

PROPOSED AGENDA
COUNCIL MEETING
December 6, 2011
7:00 PM

CALL TO ORDER – Mayor Sammy Phillips
PLEDGE OF ALLEGIANCE
INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

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COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

November 22, 2011

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday October 18, 2011 beginning at 5:00 PM in Meeting Rooms A and B of the Jacksonville City Hall. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden, and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; William Ratliff, Human Resources Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:00 PM.

ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman, and unanimously approved to adopt the agenda as amended to exclude Item 2 – Finance Annual Report, Item 3 – Human Resources Annual Report and Item 4 – Community Affairs Annual Report to be calendared at a later date.

UNIFIED DEVELOPMENT ORDINANCE (UDO) MODULE #3

Mr. Woodruff stated that Module # 3, the final module of the UDO, dealt with the heart of the Zoning Ordinance. Ryan King, Planning Administrator, stated Staff and the UDO Steering Committee reviewed the entire Module #3 and forwarded suggested changes to Clarion which were incorporated into the document. Module #3 was made up of Article 5 – Development Standards, Article 6 – Subdivision Standards, and Article 9 – Definitions.

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Fred Richardson and Chad Meadows from Clarion Associates provided an overview of Module #3 identifying the high points.

Councilman Bittner questioned the statement that parking requirements were based on square footage rather than occupancy standards, because some uses like warehouses or moving companies generated a lot of square footage with few employees. Mr. Richardson stated that Staff requested adjustments be made to calibrate the standards to square footage so that it was easier to determine minimum parking at the time of site plan review. There were also flexibility provisions and administrative adjustments if a deviation was needed.

Mayor Pro-Tem Lazzara stated he thought we may be pushing possible businesses away from vacant spaces based on an empty formula. Mr. King said that the current code did not have a provision that would allow flexibility in parking spaces based on what the building was being used for. The revision did allow for this.

Councilman Bittner stated that verbiage needed to be added to make clear that the parking requirement in the Ordinance was roughly based on square footage standards, but in cases where occupancy may rule fewer parking spaces, there was an appeal process.

Mayor Pro-Tem Lazzara stated that a lot of the large retail spaces had terrible flows in their parking lots. He wasn't sure if this was because of the City's parking requirements with the space being used for parking instead of flow. Mr. King said that most commercial sites chose to exceed the City's specifications for parking. Mr. Richardson stated that the new standards were trying to break up the larger parking lots making them safer for pedestrians and vehicle flow.

When reviewing single-family design standards, discussion followed on the 3,000 square foot residential lots for downtown as it appeared that the UDO was not allowing them. Mr. King said that Council recently adopted the Residential Downtown 3 and the Residential Downtown 5 and the goal was to blend the two together. The UDO would be revised to the Residential Downtown 3 with the 3,000 square foot minimum.

Mr. Woodruff stated that the UDO document was close to being finished, but that did not mean it was ready to take to public hearing. He proposed that over the next month, he meet with Council either individually or in small groups to go over the document in detail. There were items where their direction was needed, such as non-conforming uses. He proposed that Council adopt the UDO now with it going into effect at a later time.

Mayor Phillips stated that he would like to know the significant changes that had been made prior to adoption even if it meant having an in-depth workshop. It was essential for Council to have a thorough understanding of all the implications.

Mayor Pro-Tem Lazzara stated he wanted to make sure that the items Council had originally wanted included in the Ordinance were in the standards.

Mr. Woodruff stated that a workshop would be scheduled to take Council through the education process to make sure they were in agreement with the standards in the UDO document prepared by the consultants.

ADJOURNMENT

A motion was made by Councilman Bittner, seconded by Mayor Pro-Tem Lazzara and unanimously adopted to adjourn the meeting at 5:49 PM.

COUNCIL MINUTES

REGULAR MEETING

November 22, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, November 22, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Tim Chesnutt, Recreation and Parks Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:09 PM.

RECOGNITION

Mayor Phillips stated that the meeting tonight was a special meeting recognizing the various Veterans groups in the area. He asked the leader of each of the Veterans organizations in attendance to stand and identify themselves and their organization.

PLEDGE OF ALLEGIANCE

The Veterans in attendance led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously approved to adopt the agenda as presented.

ADOPTION OF MINUTES

A motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously adopted to approve the minutes of a Special Workshop Meeting held November 9, 2011 as presented and the minutes of the Regular Meeting held November 9, 2011 as presented.

PRESENTATIONS

OUTSTANDING VETERAN AWARDS

Mayor Pro-Tem Lazzara reviewed the accomplishments of each Veteran, while Mayor Phillips and Council presented the framed "Veteran of the Year" Certificates along with Outstanding Citizen of Jacksonville lapel pins. These pins were only issued by authorization of the Mayor to citizens who had made a positive impact in the community. The following Outstanding Veterans were recognized: Samuel Gupton – AMVETS, Post #225; Richard L. Ray – Beirut Veterans of America, Chapter #4; Kelley Hamilton – Employment Security Commission Office, Veterans Staff; Patrick Curley – Heroes on the Water; Angelo M. Inglis – Marine Corps Base Camp Lejeune, Military Retiree Council; Rev. Raymond Randall – Marine Corps League, Onslow County Detachment #262; SSgt Daniel G. Stoyl – Military Order of the Purple Heart, Beirut Memorial Ch #642; Alice Reiter – Military Order of the Purple Heart, Beirut Memorial Ch #642 Auxiliary; Charles Gibbs – NABVETS, Marine Chapter #0054; Cora Davis – NABVETS, Marine Chapter #0054 Auxiliary; Roben Smith – National Order of Trench Rats, Dugout #483; Paul H. Miethker – Non-Commissioned Officers Association, Down East Ch #906; Peter Franco – Onslow County Chapter #16, Disabled American Veterans; Paul W. O'Toole, Jr. – Onslow County Council of Veterans Organizations; Ralph E. Garcia – Rolling Thunder, Inc. Chapter NC-5; Chuck Vasquez – The American Legion, Burton Cowell Post #265; Dianne Randall – The American Legion, Burton Cowell Post #265 Auxiliary; Jim & Janine Dunn – The Captain John C. Carr Veteran Resource Center; Dwight Davidson – Veterans of Foreign Wars, Jacksonville Post #9133; Colleen Barnhart – Veterans of Foreign Wars, Ladies Auxiliary Post #9133; Bob Mason – Veterans of Foreign Wars, New Topsail Island Post #9983; Michael Carr – Vietnam Veterans of America, Inc. Jon Panarese Chapter #654; Donna-Marie Crowell – Associates of Vietnam Veterans of America, Chapter #654; Genevieve Blick – Women Marines Association NC-1, Tarheel Chapter; Sylvia A. Fry – Loyal Escorts of the Green Garter, Local Chapter; Joseph Traumer – Loyal Escorts of the Green Garter, Regional; and Fernando Schiefelbein – City of Jacksonville Veteran Liaison.

Following the presentation, Mayor Phillips thanked all those who came out for their service to the country and for the service they continue to give to the community.

RECESS/RECONVENE

Mayor Phillips recessed the meeting at 7:39 PM for a short break. Mayor Phillips reconvened the meeting at 7:44 PM.

JACKSONVILLE YOUTH COUNCIL OFFICERS OATH OF OFFICE

Mayor Phillips administered the oath of office to Logan John, Chairman; Justin Barnes, Vice Chairman; Brett Bentrup, At-Large Seat; and Cheyenne Butler, At-Large Seat while their parents held the Bible and family and friends looked on. Following the swearing-in ceremony, the Mayor and Council congratulated them on assuming their leadership roles.

PUBLIC COMMENT

Logan John, newly appointed Chairman of the Jacksonville Youth Council, thanked Council for all the support they give the Youth Council and thanked Carmella Fulcher, Community Programs Coordinator, and Glenn Hargett, Communications and Community Affairs Director, for all the work they have done for the Youth Council. Mayor Phillips also commended Ms. Fulcher and Mr. Hargett on their work.

NEW BUSINESS

CONSENT ITEMS

VOLUNTARY ANNEXATION PETITION – HPS&R AND JACKSONVILLE HOTEL, INC. – 10.21-ACRES – WESTERN BLVD.

At the November 9, 2011 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from HPS&R and Jacksonville Hotel, Inc.

On behalf of HPS&R, Inc. and Jacksonville Hotel, Inc., John Pierce and Associates submitted a voluntary annexation petition for annexation of three tracts totaling 10.21 acres that were contiguous to the current City limit boundaries. The tracts were located adjacent to Western Blvd at its intersection with Henderson Drive Extension. The property was currently proposed as the site for three commercial businesses: 1) 73,109 square feet Courtyard by Marriot hotel with 112 rooms and conference meeting space; 2) Car Wash, and 3) Restaurant. The City Clerk conducted the required investigation and found as a fact that said petition was signed by all owners of real property lying in the area described. As provided in North Carolina

General Statute 160A-31, a Resolution had been prepared scheduling a Public Hearing on this annexation for the December 6, 2011 Meeting.

Council adopted the Resolution as presented.

Resolution 2011-31, Bk. 6, Pg. 411

VOLUNTARY ANNEXATION PETITION – NEW BEGINNINGS CHILD CARE
CENTER-3.10 ACRES – 200 TERRY LEE LANIER DRIVE – CAROLINA FOREST

At the November 9, 2011 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from NBI Financial III, LLC (New Beginnings Child Care Center) for annexation of 3.10 acres that were contiguous to the current City limit boundaries.

The property was located adjacent to Carolina Forest Blvd at its intersection with Terry Lee Lanier Drive. The property was the site of a 14,533 square feet childcare facility, which had been issued a 90 day certificate of occupancy. A site plan for the facility was approved October 22, 2010, with driveway access only on Terry Lee Lanier Drive. The facility would pay outside City water and sewer rates until the property was fully annexed into the City. The City Clerk conducted the required investigation and found as a fact that said petition was signed by all owners of real property lying in the area described. As provided in North Carolina General Statute 160A-31, a Resolution had been prepared scheduling a Public Hearing on this annexation for the December 6, 2011 Meeting.

Council adopted the Resolution as presented.

Resolution 2011-32, Bk. 6, Pg. 412

BUDGET AMENDMENT – HURRICANE IRENE PROJECT INCREASE

The original budget for the Hurricane Irene Project was underestimated and \$200,000 of additional funds were anticipated to be received from FEMA for the additional expenditures associated with the hurricane relief efforts of the City.

Council approved the Budget Amendment and increased the project budget.

Ordinance 2011-70, Bk. 10, Pg. 554

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEE

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to extend the Surety Agreement: Coastal Land Investors, and Maynard Manor, Phase VI-B.

Council authorized staff to process condemnation of the financial guarantee if the developer was unwilling or unable to extend the Surety Agreement.

UNCOLLECTIBLE MISCELLANEOUS RECEIVABLES

A group of accounts from the City's Miscellaneous Receivables had been determined uncollectable. A detailed list of these 33 accounts (to include the customer's name, the amount owed, and the date the charges were incurred) was available in the Finance office for review.

Council approved the write-off of the 33 miscellaneous receivable accounts totaling \$62,882.33.

TAX RELEASES, REFUNDS, AND WRITE-OFFS

The County/City Tax Collector and the City's Finance Director recommended releases, refunds, and write-offs of property taxes. The detail list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) was available in the Finance Office for review. The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector total, respectively, \$20,421.49, \$3,221.06, and \$86.54 (\$23,729.09).

Council approved the tax releases, refunds and write-offs.

ANNUAL NOTICE (2012) CITY COUNCIL MEETING SCHEDULE

City Council Regular Meetings were set pursuant to City Code and Council's adopted Rules of Procedures. The Code provided that when a Council Meeting fell on an election day or a legal holiday, the meeting was automatically held the following day. Any other changes to the Meeting Schedule required Council approval. Several changes were proposed as indicated in the 2012 Annual Schedule of Meetings attached to the official minutes as Exhibit A. After Council approval, the Annual Schedule of Regular Meetings for 2012 was distributed to all media, City departments, included on the City's website, and noted on the City calendar.

Council approved the Annual Schedule of Council Regular Meetings with proposed changes.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

REPORTS

JACKSONVILLE EVENTS

Councilman Warden stated that there were many things for families and the public to do in Jacksonville. The month of November started off with the Veterans Parade. The Christmas

Parade was held last Saturday, the 9th Annual Festival of the Trees was this past weekend, and this coming Sunday the North Carolina Symphony was presenting Holiday Pops at the Jacksonville High School at 8:00 PM. The Annual City Tree Lighting Ceremony would be held the 2nd of December at Jacksonville Commons.

Mayor Phillips stated he rode in the Holiday Parade this past weekend. The turnout was great. Reports stated it was the largest Holiday Parade to date. Mayor Phillips also promoted the Veterans Day Parade which tended to get overlooked.

NATIONAL LEAGUE OF CITIES CONFERENCE

Councilman Willingham stated he attended the business meeting of the National League of Cities. One of the highlights of the conference was the opening session. The featured speaker was Ed Rendell, former governor of Pennsylvania, who addressed the topic of Political Courage – having the courage to make certain decisions in difficult times. The closing session speaker was Edward Glaser, a professor at Harvard, who talked about the benefit of density and municipal development. There were 39 Resolutions passed that would go to Congress and hopefully be represented in laws benefiting local government. Copies of the Resolutions were given to the City Manager for review. In speaking of political courage, Councilman Willingham stated that Greg Johnston, former Jacksonville Councilman who recently passed, would be remembered for his vision and leadership in regards to the Jacksonville Recreation Commons Complex, a project whose funding was not popular at the time.

ONWASA

Councilman Bittner stated that ONWASA held a workshop last week where they discussed settlement of land acquisition necessary for the proposed construction of the Northwest Regional Sewer Treatment Plant to be located off Gum Branch Road close to Richlands. The litigation had been settled and ONWASA could now move ahead with the planning and bidding for the plant. On the subject of sewer, Councilman Bittner stated that Staff needed to re-examine the City's Sewer Master Plan that had been predicated on annexations to accommodate that plan. Now that the State had changed the annexation law making it more difficult to annex, the Plan needed to be reviewed again.

EASTERN REGION ECONOMIC DEVELOPMENT

Mayor Pro-Tem Lazzara stated he attended a two-day planning session with Eastern Region Economic Development to map out the vision for 2012. He would distribute the report to Council once the document was completed. He also thanked the Veterans for all the service they provided for the community.

BOY SCOUT TROOP 87 RECOGNITION

Mayor Phillips recognized Boy Scout Troop 87 from the Belgrade area along with Scoutmaster Johnny Jones who were in attendance working on their Community and Communications badges. He asked them to stand and be recognized.

THANKFUL

Mayor Phillips stated as the season approached we had a lot to be thankful for. The City had grown and improved while many other areas have not been as fortunate. He thanked Staff for all that they do as they made the City operate effectively and efficiently. Attitudes had changed dramatically and had been noticed by the citizens. He thanked Council for their professionalism and desire to make Jacksonville what it was and would be in the future. He also thanked the citizens of Jacksonville for making the City a wonderful place to live. He wished everyone a Happy Thanksgiving.

FINAL SESSION COMMENTS

Council Member Coleman stated that this Council had been a fine Council to work with and it had been an extreme pleasure and honor to work for the people of Jacksonville and the people of Ward 4 for fourteen years. In closing, she read a quote from Ralph Waldo Emerson - "Do not go where the path may lead; go instead where there is no path and leave a trail."

Mayor Phillips thanked Ms. Coleman for her service and her inspiration. Mayor Pro-Tem Lazzara thanked Council Member Coleman for the opportunity to work with her over the years on a lot of very progressive things for the City.

FAMILY FUN DAY

Council Member Coleman stated that on the 3rd of December, Santa would arrive at the Commons for Family Fun Day and she would be Mrs. Claus for the day bringing him there.

GARBAGE COLLECTION

Mr. Woodruff stated that City offices would be closed on Thursday and Friday of this week, so garbage collection for those days would be collected tomorrow.

WATER PRESSURE

Those in the area of Western Blvd and Country Club may have experienced low water pressure this afternoon. There was an unexpected problem in a main valve. The water system remained safe and no precautionary measures had to be taken.

SWEARING-IN CEREMONY

The next City Council meeting was scheduled for December 6, and the swearing-in ceremony for those who were elected or re-elected would take place prior to the regular meeting starting at 5:30 PM. There would also be a special tribute to Ms. Coleman. The public was invited to attend.

FESTIVAL OF TREES

Mr. Carter stated he was honored and humbled to have represented the City of Jacksonville at the Festival of Trees opening ceremony on Saturday to give the invocation. The event is put on by the Onslow County Caregivers and all funds raised supported Onslow County Home Health and Hospice patients.

ADJOURNMENT

A motion was made by Council Member Coleman, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 8:13 PM.



City Council Presentation

Presentation Item: A Date: 12/6/2011

Subject: River of Life Church– Presentation of Donation to City

Department: Mayor's Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

The River of Life Church would like to make a donation of funds to the City to assist the Police Department in providing safety equipment for Officers and toward community safety.

Since 2006, the River of Life Church has made an annual donation to the City which has grown each year, from \$5,000 in 2006 to \$8,000 in 2010.

The funds have been used by the Police Department to purchase defibrillator units and for Officer and Community Safety.

Pastor Chris Phillips, along with members of the River of Life Church, will be in attendance to make this year's presentation.

Mayor Phillips will also present a Certificate of Appreciation to Pastor Phillips and the Church for their dedication and support to the safety of Jacksonville and its citizens.

Action

Recognize Pastor Chris Phillips for a Presentation to the City.

Present a Recognition Certificate to Pastor Phillips and Members

Attachments:

None



City Council Presentation

Presentation Item: B Date: 12/6/2011

Subject: Recognition of Grant Sparks, Public Services Director

Department: City Manager's Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

Colonel (USMC, retired) Grant Sparks began his career with the City of Jacksonville on October 17, 2000 as Public Services Director.

Grant will be retiring on January 1, 2012 after serving the City and its citizens for more than eleven years.

The Mayor and Council would like to recognize his dedicated service and leadership.

Action

Present Grant Sparks, Public Services Director, with a plaque recognizing his leadership and service to the City and its citizens.

Attachments:

None



City Council Presentation

Presentation Item: C Date: 12/6/2011

Subject: Oaths of Office – Police Department – Lieutenant Teresa White and Sergeant Marc Holden

Department: Police Department

Prepared by: Michael G. Yaniero, Chief of Police

Presentation Description

The retirement of Captain Joseph Dugan has created a vacancy in the promotional succession at the police department for the positions of Lieutenant and Sergeant.

Applications were received and reviewed. The candidates participated in an extensive process consisting of a formal presentation and a series of oral interviews.

Sergeant Teresa White has been selected for promotion to the rank of Lieutenant.

Corporal Marc Holden has been selected for promotion to the rank of Sergeant.

Action

Administer Oaths of Office to Lieutenant Teresa White and Sergeant Marc Holden.

Family Members to Participate in Badge Pinning Ceremony

Attachments:

A Oaths of Office – Lieutenant White and Sergeant Holden



Presentation Information

Presentation Item: C

Oath of Office – Lieutenant Teresa White and Sergeant Marc Holden Biography – Teresa White

Teresa White

Husband: Brandon White

Children: Raven and Shae both 17 years old; Christian White 16 and Brenden White, 13

Teresa White is a native of Missouri and moved to Jacksonville in 2005. Teresa grew up in Fulton, Missouri, graduating from Fulton High School in 1994.

She began her law enforcement career as a Police Officer in Moberly, Missouri until she transferred to Randolph County (Missouri) Sheriff Department as a Criminal Investigator.

She joined the Jacksonville Police Department in August of 2005, serving as a Patrol Officer, member of Community Response Team and Detective assigned to the Juvenile Division.

Lieutenant White has completed the First Line Supervision School, PLI (Police Law Institute). She earned a Bachelor' Degree in Criminal Justice from Columbia College, and is currently working on Masters Degree in Management of Criminal Justice.

Lieutenant White also teaches as an adjunct faculty member at Coastal Carolina Community College.

Brandon White, her husband of 17 years, will pin on her Lieutenant badge.

Her children, Raven, Shae, Christian and Brenden, will hold the bible for the Oath.

Biography – Marc Edward Holden

Marc Edward Holden

Wife: Shannon

Children: Cody, 16; Damian, 14; Nicholas, 10

A native of Santa Barbara, California and a Marine Corps Veteran, Marc Holden began his law enforcement career with the Jacksonville Police Department in July of 2008 as an officer in the Uniformed Patrol Division.

Sergeant Holden has certifications as a Bicycle Officer, Crisis Intervention Management Team, Police Training Officer and Leadership in Police Organizations.

He holds traffic related certifications in Rader, Intoxilizer and SFST.

Sergeant Holden received his Advanced Law Enforcement Certificate from the NC Training and Standards Division in March of 2010 and was promoted to the rank of corporal in May of 2010.

Shannon, his wife, will be pinning on the Sergeant badge

His sons, Cody, Damian and Nicholas will hold the bible.

CITY OF JACKSONVILLE



**Department of
Police**

NORTH CAROLINA

Michael Yaniero
Chief of Police



**Office of
Chief of Police**

Oath of Office
as Police Lieutenant
of the
Jacksonville Police Department

I, **Teresa White**, do solemnly swear that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Lieutenant of the City of Jacksonville Police Department, and maintain and uphold all the laws and regulations of the City of Jacksonville, North Carolina, so help me God.
This 6th day of December 2011.

Signed _____
Lieutenant
Jacksonville Police Department

ATTEST

Sammy Phillips, Mayor
Mayor

NORTH CAROLINA
ONSLOW COUNTY

I, _____, a Notary Public, do hereby certify that _____,
Mayor for the City of Jacksonville, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2011.

Notary Public

My Commission Expires



**P.O. Drawer 436 • Jacksonville, N.C. 28541-0436 • (910) 455-1472 • FAX #
(910) 455-9987
AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY**

CITY OF JACKSONVILLE

NORTH CAROLINA



**Department
of Police**

Michael Yaniero
Chief of Police



**Office of
Chief of Police**

Oath of Office
as Police Sergeant
of the
Jacksonville Police Department

I, **Marc Holden**, do solemnly swear that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Sergeant of the City of Jacksonville Police Department, and maintain and uphold all the laws and regulations of the City of Jacksonville, North Carolina, so help me God.

This 6th day of December 2011.

Signed _____
Sergeant
Jacksonville Police Department

ATTEST

Sammy Phillips, Mayor
Mayor

NORTH CAROLINA
ONslow COUNTY

I, _____, a Notary Public, do hereby certify that _____,
Mayor for the City of Jacksonville, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2011.

Notary Public

My Commission Expires



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(910) 455-9987
AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY**



City Council Presentation

Presentation Item: D Date: 12/6/2010

Subject: Report to Council – Water and Sewer Advisory Board

Department: Public Services Department

Prepared by: Grant Sparks, Director

Presentation Description

Mr. Jim Dorn, as well as other members of the Water and Sewer Advisory Board will be in attendance to provide a brief report on the annual activities, accomplishments and goals of the Board.

Councilman Randy Thomas is the Council Liaison to the Board.

Action

Recognize Mr. Jim Dorn to present the report.

Attachments:

None



Presentation Information

Presentation Item: D

Water and Sewer Advisory Board

Mission

The Water and Sewer Advisory Board advises the City Council on the condition, capacity and needs of the City's water and sewer system. The Board examines water supply, water distribution, sewer collection facilities, wastewater treatment and financing of major changes in the water and sewer system.

Accomplishments

- Actively involved in formulating the new grease ordinance and the compliance of the establishments which are required to have grease traps installed.
- Actively involved in CIP priorities.
- Following regional water issues.
- Made recommendations regarding adjustments to the Water and Sewer Extension Policy.
- Have held 11 regular meetings.

Goals

- One of the primary goals of this Board is to make it more visible to the public and to get more public involvement. It seems everyone has heard of the Planning Board, or the Beautification Board etc., no one seems to know that the Water & Sewer Advisory Board exists, or the duties and responsibilities of the Board.
- Another one of the goals of the Water and Sewer Advisory Board is to work hand in hand with City Council to be good stewards to its citizens while allowing orderly and smart growth to continue.
- The Board desires to be active participants in decision making by reviewing and discussing issues and making sound and intelligent recommendations to City Council.
- The Board would like to continue to be as involved in the CIP water and sewer issues process as possible.

PRESENTATION TO CITY COUNCIL

The Water and Sewer Advisory Board advises the City Council on the condition, capacity and needs of the City's water and sewer systems. The Board studies and advises on issues relating to water supply and distribution, sewer collection facilities, wastewater treatment and financing of major changes in the water and sewer system. The Board consists of 11 members and 1 shadow member appointed by the City Council. Mr. Carmen Aragona is our board chairman and our Council Liaison is Mr. Randy Thomas.

During the past year, the board spent several sessions studying the water and sewer portions of the Capital Improvements Projects, in order to be able to recommend rational and orderly prioritizing of water and sewer projects to the council, so as to best serve the needs of the residents of Jacksonville.

Also, in the last year the Board has made recommendations to the Council regarding changes in the Water Shortage Response Plan, and the maintenance and upkeep of the city water tanks.

The board has also learned that the recommended update to the city policy regarding the proper disposal of the large amounts of grease generated by commercial businesses has resulted in a decrease in grease trap violations. City Council adopted the Grease Ordinance in July 2011. Once this policy was in place, establishments have been submitting paperwork more frequently and on time resulting in fewer violations.

The Board also discussed water issues with regards to the Castle Hayne Aquifer. They met with Mr. Mark Sutherland of the Military Growth Task Force, Eastern Area, in order to discuss a funding request that would be submitted by Mr. Sutherland to the Office of Economic Adjustment. This funding would provide further study of the Castle Hayne water availability and other options that might be necessary.

The Board also looked at annexation issues as they relate to providing city water and sewer service and situations where the city and ONWASA are providing services to each others customers. Our vice-chairman, Mr. Jim Dorn, regularly attends ONWASA meetings and Mr. Don Shipley, our ONWASA liaison, attends the Sewer and Water Advisory Board meetings. We believe it is in the best interest of both City and the County citizens for Jacksonville and ONWASA to cooperate with each other as much as possible.

The board feels the City of Jacksonville is moving in an intelligent and thoughtful manner to deal with the sewer and water issues, both for the present time and in anticipating future growth and needs. The new wastewater treatment plant and the new water plant are now on line.

We would like to let council know how much we appreciate the hard work and depth of knowledge that the Public Services staff brings to our meetings. We also appreciate the City Council's hard work and interest regarding water and sewer issues. Finally, we would like to encourage all citizens to attend our meetings and also to consider serving on one of the city's advisory boards or committees. Thank you.



Request for City Council Action

Agenda Item:	1
Date:	12/6/2011

Subject: Rezoning - Adult Establishment Overlay Amendment - 235 & 201
Wilmington Hwy & 118 Broadhurst Rd

Department: Development Services

Presented by: Mary Sertell, Senior Planner

Presentation: Yes

Issue Statement

Carl Beacham and Ken Morgan have submitted a request to amend the existing Adult Establishment Overlay to remove approximately thirteen acres from the south side of Wilmington Highway. If approved, these parcels would no longer be within the Adult Establishment Overlay; therefore, adult businesses would not be permitted within these areas. The subject sites are located at 235 & 201 Wilmington Highway and 118 Broadhurst Road.

Financial Impact

None

Action Needed

Conduct a Public Hearing

Consider the Proposed Rezoning

Recommendation

Staff and Planning Board recommend approval of the rezoning request based on Findings of Facts A, B, C, and D being found in the affirmative and that the rezoning advances the public interest.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Rezoning Worksheet
- B Proposed Ordinance
- C Draft Planning Board Minutes- November 14, 2011
- D Section 107, Regulation of Adult Establishments, of the Zoning Ordinance
- E Existing Zoning Map
- F Site Survey
- G Existing CAMA Future Land Use Map
- H Proposed Zoning Map



Staff Report

Adult Establishment Overlay Amendment- 235 & 201 Wilmington Hwy & 118 Broadhurst Rd

Introduction

Carl Beacham and Ken Morgan have submitted a request to amend the existing Adult Establishment Overlay to remove approximately thirteen acres from the south side of Wilmington Highway. If approved, these parcels would no longer be within the Adult Establishment Overlay; therefore, adult businesses would not be permitted within these areas. The subject sites are located at 235 & 201 Wilmington Highway and 118 Broadhurst Road.

Procedural History

- In 1998 City Council established an Adult Establishment Overlay Zone for several areas within City of Jacksonville limits and its associated Extra Territorial Jurisdiction (ETJ).
- On November 3 and 4, 2011 Carl Beacham and Ken Morgan, respectively, submitted applications to amend the Adult Establishment Overlay.
- On November 14, 2011 the Planning Board recommended approval on the rezoning request.
- On December 6, 2011 City Council will conduct a public hearing and consider the rezoning request.

Stakeholders

- Carl Beacham & Ken Morgan – Applicants and property owners
- Surrounding property owners – In accordance with General Statutes, property owners within 100 feet of the area proposed for rezoning have been notified via first class mail. In addition, a courtesy notification was sent out informing these same owners about the Planning Board meeting.

Traffic Assessment

A TIA is not required for this rezoning request.

Zoning Assessment

The parcels proposed for rezoning are located at 235 & 201 Wilmington Highway and 118 Broadhurst Road. The subject parcels are undeveloped, vacant and used as office space; they are adjacent to apartments, government offices and a restaurant, all zoned Office & Institutional (O&I). Across Broadhurst Road there are a variety of commercial land uses

and a place of worship, all zoned B-1. Across Wilmington Highway, there are a variety of commercial land uses, also zoned B-1. The closest parcels which are also part of the Adult Establishment Overlay are located across the Wilmington Highway and the closest, established adult establishment, The Cave, is located approximately 600 feet from the subject parcels.

The Adult Establishment Overlay was created to permit adult establishments in certain areas of Jacksonville while minimizing their impact on residential land uses, public/institutional land uses, property values and general crime and blight. While the Overlay permits adult establishments by use, the spacing requirements- of adult establishments from each other (1,500 feet) and of adult establishments from residences and public/institutional uses (500 feet) preclude the additional establishments in the area as long as The Cave is in operation.

The Business 1 zoning district is designed to accommodate businesses with a larger variety of services than those found in Neighborhood Business. It is intended to include such businesses that would be oriented to a shopping center or mall. This zone was intended for other uses such as newspaper offices, automotive repair garages, and similar establishments with a heavier concentration of business, still requiring off-street parking. If the Adult Establishment Overlay were amended, the existing B-1 zoning district would remain in place.

Merits of Rezoning

In determining the merits of the rezoning request the City Council should consider the following: 1) is the proposal consistent with an adopted land use plan, 2) does the rezoning advance the public interest, and 3) is the rezoning reasonable.

The following Findings of Fact must be applied to the proposal in determining the reasonableness of the rezoning:

- A.** *The size of the tract- The larger the area proposed for rezoning the more likely it is to be reasonable. An individual lot that is within a large zoning district is more suspect than creating a new zoning district involving multiple parcels and owners.*

The area proposed for rezoning comprises four parcels totaling approximately 13 acres. The Adult Establishment Overlay in this general area (the NC258/ US17 intersection) comprises approximately 85 acres (The total Overlay comprises approximately 148 acres). The proposed zoning change will decrease the size of the Overlay in the NC258/US17 area by approximately 15%.

Evaluation

The proposed amendment will reduce the size of the Adult Establishment Overlay in one concentrated area. This amendment will remove the Overlay from every parcel on the south side of Wilmington Highway. By reducing the Overlay in this fashion, the Overlay will have Wilmington Highway as its southern boundary in this area. Roads, water features, property boundaries and topographical landmarks are commonly used as boundaries for overlay districts. Staff believes the rezoning

request and the proposed boundaries of the Overlay are reasonable as they reflect professional practice.

- B.** *Compatibility with an existing comprehensive plan- An action that is inconsistent with the plan may indicate special treatment that is contrary to the public interest.*

The CAMA Future Land Use Map identifies the subject parcels as Regional Commercial (RC). There is no indication, according to the CAMA Future Land Use (FLU) Map, as to the long range viability of the Overlay.

Regional Commercial areas are intended for services, large-scale retail and wholesaling activities that serve the entire community and the region. Regional Commercial areas should have access to a major thoroughfare.

The CAMA Future Land Use Map designations of properties to the West as Public/Institutional (P/I), to the South as High Density Residential (HDR), to the East as Neighborhood Commercial (NC) and P/I, to the North, across Wilmington Highway, properties are designated RC.

Evaluation

Staff has reviewed the adopted CAMA Future Land Use Plan and has determined that the rezoning request is applicable to several of the goals and policies established in the Plan. They are summarized as follows:

- CAMA Goal 6: Promote land use compatibility
- CAMA Goal 8: Protect critical neighborhood commercial and regional commercial corridors and gateways to encourage land use compatibility and improve corridor function and appearance.
- CAMA Goal 27: Improve the visual image of Jacksonville and enhance the appearance of gateways and corridors through partnerships between the City, State and property owners

While the CAMA FLU does not indicate a long range future for the Adult Establishment Overlay, the CAMA Goals do indicate a general support for such businesses to be mitigated, especially along principal corridors and gateways. These policies lead Staff to believe the rezoning request is consistent with the CAMA Future Land Use Plan.

- C.** *The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community – An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefiting the owner would be unreasonable.*

Removal of the Adult Establishment Overlay from the subject parcels will not affect the permitted land uses on the subject parcels nor affect the surrounding parcels. If

the Overlay is removed, the subject parcels will still maintain their existing B-1 zoning designation and all associated permitted land uses.

Due to the spacing requirements for adult establishments, an adult establishment could not locate on any of the subject parcels because of their proximity to The Cave Gentlemen's Club on Richlands Highway. The Adult Establishment Section of the Jacksonville Zoning Ordinance requires that adult establishments be located at least 1,500 feet from each other and at least 500 feet from residential, and public/institutional type land uses, making the subject parcels ineligible locations for adult establishments.

Evaluation

Staff believes that the removal of the Adult Establishment Overlay from the subject parcels will not negatively affect the neighboring properties and will be a benefit to the subject parcel owners as well as the surrounding properties. The permitted land uses will not be affected by the Overlay amendment and further, the amendment will reduce the potential allowable land available to adult establishments, a land use which is considered incompatible with the nearby residential land uses.

- D.** *The relationship between the newly allowed uses and the previously allowed uses- The greater the difference in allowed use, the more likely the rezoning will be found unreasonable.*

Section 107 (Regulation of Adult Establishments) of the Zoning Ordinance can be found in Attachment C.

Evaluation

Amending the Overlay boundaries will not affect the available land uses on the subject parcels as the parcels would not be suitable for adult establishments since they do not satisfy the spacing requirements found in Section 107 of the Zoning Ordinance. Staff believes that the request is reasonable in that the amendment will not affect the permitted land uses on the subject parcels.

Public Hearing Notification

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcels were notified of the proposed rezoning. In addition, Public Hearing Notifications were posted in the Jacksonville Daily News advertising the public hearing of the rezoning. A courtesy notification was sent out informing these same owners about the Planning Board meeting.

Options

Approve the Rezoning as requested by the Applicant **(RECOMMENDED)**.

- Pros: Approval of the rezoning request will allow the property owner to use the property in a desired manner. Further, the request will allow the same land uses as

are currently permitted in its existing zoning district. Also, the request will limit the Overlay to parcels which are more likely to develop or attract adult establishments.

- Cons: None

Deny the Rezoning Request.

- Pros: None
- Cons: Denial of the rezoning request will keep the Adult Establishment Overlay on the subject parcels, against the property owners' desire. Maintaining the current boundaries of the Overlay may result in limited development potential for the subject parcels.

Defer Consideration of the Rezoning Request – Provide staff with direction on the specific information Council would like to receive.

- Pros: Would allow the property owner, staff and/or adjacent property owners to try and work out any concerns raised, if any.
- Cons: None.

*Any rezoning application, other than those initiated by Council or City Staff, which is denied by City Council may not be resubmitted within 12 months of the City Council decision unless the application is determined to be substantially changed under the procedures set forth in Section 136 of the City of Jacksonville Zoning Ordinance.

Legal Descriptions of Proposed Removal to Overlay Boundaries

The following parcels will be removed from the Adult Establishment Overlay:

Lot 1 (201 Wilmington Highway):

Beginning at an iron stake situated at the intersection of the easternmost right of way of the northbound lane of U.S. Highway 17 (said northbound lane of U.S. Highway 17 being 100 feet wide) and the southwestern most right of way of NCSR 1400 (Broadhurst Road-a 60 foot right of way), thence from said BEGINNING and along the southwestern most right of way of NCSR 1400 South 48 degrees 12 minutes 45 seconds East 21.26 feet to an iron stake, thence continuing along said right of way South 48 degrees 12 minutes 29 seconds East 48.09 feet to a right of way monument (DIST), thence continuing along said right of way South 41 degrees 06 minutes 11 seconds East 135.53 feet to a right of way monument (DIST), thence continuing along said right of way South 33 degrees 50 minutes 28 seconds East 165.38 feet to an iron stake, thence leaving the right of way of NCSR 1400, South 60 degree 11 minutes 28 seconds West 203.00 feet to an iron stake, thence North 31 degrees 31 minutes 38 seconds West 365.00 feet to an iron stake in the easternmost right of way of the northbound lane of U.S. Highway 17, thence along said right of way North 60 degrees 13 minutes 53 seconds East 109.39 feet to an iron stake, thence continuing along said right of way North 61 degrees 34 minutes 32 seconds East 44.51 feet to an iron stake, the point and place of beginning, containing 1.57 acres, more or less and being a portion of the property described in Deed Book 392, Page 106 of the Onslow County Registry.

TRACT A:

Adjoining the lands of the State of North Carolina, the American Legion Post No. 265, and U.S. Hwy 17, and more particularly described as follows STARTING at a point in the center line of County Road No. 1400 and being 70 feet southeast of the center line of the Northbound lane of U.S. Highway No. 17, thence along the right of way of U.S. Highway No. 17, South 66 degrees 08 minutes West 114.83 feet to a point on the right of way of U.S. Highway No. 17, thence along the right of way having a chord of South 53 degrees 30 minutes West 767.36 feet to a point along the right of way of U.S. Highway No. 17, the true point of BEGINNING, thence South 63 degrees 55 minutes East 1023.91 feet to a point; thence South 46 degrees 18 minutes East 432.94 feet to a point; said point being on the common property line of the American Legion Property and Parcel "A", thence along said common line South 36 degrees 39 minutes West 174.01 feet to a point, thence along said common line North 46 degrees 18 minutes West 390.64 feet to a point witnessed by an iron stake, thence along said common line South 23 degrees 24 minutes West 380.90 feet to a point, a common corner between the American Legion and the North Carolina Highway Department Property, thence North 63 degrees 55 minutes West 1069.50 feet to a point, said point being on the southern right of way of U.S. Highway No. 17, thence along the right of way of U.S. Highway No. 17 North 25 degrees 38 minutes East, 190.27 feet to a point, said point being 70 feet from the centerline of the northbound lane of U.S. Highway No. 17, thence along the curve of the right of way of U.S. Highway No. 17 having a chord of

North 28 degrees 38 minutes East 384.85 feet to the point and place of beginning, containing 15.17 acres, more or less.

EXCEPTION: Beginning at a concrete monument in the southern right of way line of U.S. Highway 17 which monument is located along said right of way line in a westwardly direction from a concrete monument at the intersection of said right of way line with the western right of way line of NCSR 1400 South 6S degrees 05 minutes 28 seconds West 251.71 feet and along a curve having a radius of 1338.89 feet, and arc distance of 914.06 feet; thence from said described point of beginning and along the aforesaid southern right of way line of U.S. Highway 17 South 25 degrees 02 minutes 47 seconds West 233.04 feet to a point; thence leaving said right of way line South 64 degrees 30 minutes 13 seconds East 129.98 feet to an iron stake; thence North 23 degrees 48 minutes 25 seconds East 232.50 feet to an iron stake; thence North 64 degrees 12 minutes 50 seconds West 124.96 feet to the point and place of beginning, containing 0.68 acres, as shown on a map prepared by Barden Lanier and Associates, dated September 10, 1987 and being the same piece of property conveyed in Deed Book 1331, Page 201, Onslow County Registry.

EXCEPTION: Beginning at a stake in the north line of the State of North Carolina. (Department of Transportation site), North 63 degrees 55 minutes West 285.31 feet from the southwest corner of Tract No. 2; thence continuing North 63 degrees 55 minutes West 60 feet to a stake; thence North 27 degrees 22 minutes West 63.58 feet to a stake; thence South 63 degrees 50 minutes East 60 feet to a stake; thence South 27 degrees 22 minutes West 63.49 feet to a stake; the point of BEGINNING, containing 3812 square feet, and being Tract No. 1 of the Property of CARL J. BEACHAM, SR. as per plat and survey of Barden Lanier, R.L.S., dated July 1978, and now on file in the office of the Register of Deeds in Onslow County in Plat Book 19 at Page 5, to which reference is hereby made for a more particular description (upon this tract is located a well site).

Together with that certain 20 foot easement running between Tracts No. 1 and 2 and more particularly described as follows: Beginning at a stake in the north line of the State of North Carolina (Department of Transportation site), at the southwest corner of Tract No. 2, as shown on the plat hereinafter referred to; and running thence North 63 degrees 55 minutes West 285.31 to a stake, the southeast corner of tract No. 1; thence North 27 degrees 22 minutes West 20 feet to a stake; thence South 63 degrees 55 minutes East 285.31 feet to a stake; thence South 26 degrees 05 minutes West 20 feet to a stake, the point of beginning and being that 20-foot easement as shown on plat recorded in Plat Book 19, page 5, Onslow County Registry; and being that same: piece of property conveyed in Deed Book 545, Page 255, Onslow County Registry.

TRACT B: Adjoining the lands of the Onslow County Board of Education, the American Legion Post No. 265 and U.S. Highway No. 17, and more particularly described as follows: BEGINNING at the southwestern intersection of the rights of way of U.S. Highway No. 17 and Secondary Road No. 1400 The point of beginning being witnessed by an iron stake, said stake being 21 feet southwest of the centerline of Secondary Road No. 1400 and 70 feet South of the centerline of the northbound lane of U.S. Highway No. 17, 28 running thence South 28 degrees 45 minutes East 803.85 feet to a concrete monument on the right of way of Secondary Road No. 1400; thence South 49 degrees 48 minutes East 437.60 feet to a point, a common corner of the American Legion property; thence South 36 degrees 39 minutes West 319.83 feet along the common property line of the American Legion property to a point, thence along the property line of the Onslow County Board of Education North 46 degrees 18 minutes West 432.94 feet to a point; thence North 63 degrees 55 minutes West 1023.91 feet to a point in the southern right of way of U.S. Highway No. 17; thence along the curve of the southern right of way of U.S. Highway No. 17 having a chord of North 53 degrees 30 minutes East 767.36 feet to a point, said point being 70 feet south of the centerline of the northbound traffic lane of U.S. Highway No. 17 and also being the S.T. of the centerline curve at Station 43+90.2; thence along the southern right of way of U.S. Highway No. 17 North 66 degrees 08 minutes East 93.83 feet to the point and place of beginning, containing 14.92 acres, more or less.

EXCEPTION TO TRACT A & B: BEGINNING at a stake on the southwest side of North Carolina State Road No. 1400, 488.71 feet in a southeastern direction from the southeast right of way line of U.S. Highway No. 17, and continuing along with the southwest side of North Carolina State Road No. 1400, the following courses and distances: South 29 degrees 11 minutes 15 seconds East 201.49 feet to a stake; thence South 30 degrees 26 minutes 15 seconds East 50 feet to a stake; thence South 32 degrees 22 minutes 15 seconds East 50.34 feet to a stake; thence South 38 degrees 45 minutes 45 seconds East 50 feet to a stake; thence South 45 degrees 10 minutes 45 seconds East 19 feet to a stake, the corner of North Carolina National Guard Armory site; thence South 44 degrees 24 minutes 15 seconds West 481.41 feet to a stake; thence South 48 degrees 28 minutes 45 seconds East 77.5 feet to a stake; thence South 22 degrees 59 minutes 15 seconds West 370.50 feet to a stake; thence North 63 degrees 55 minutes West 595 feet to a stake; thence North 26 degrees 05 minutes East 570 feet to a stake; thence North 61 degrees 38 minutes East 582 feet to a stake on the southwest side of North Carolina State Road No. 1400, the point of beginning, containing 11.59 acres, and being Tract No. 2 of the PROPERTY OF CARL L. BEACHAM, Sr., as per plat and survey of Barden Lanier, R.L.S., dated July 1978, and now on file in the office of the Register of Deeds of Onslow County in Plat Book 19, page 5 to which reference is hereby made for a more particular description of same and being that same property conveyed in Deed Book 545, Page 253, Onslow County Registry. (This tract contains various apartments).

TRACT C: BEGINNING at a Point designated as Point "A", said point lying South 68 degrees 31 minutes 26 seconds East 50.00 feet from Survey Station 29+94.00, Survey Line L-Rt.Ln; thence from Point "A" North 21 degrees 00 minutes 38 seconds East 198.24 feet to Point "B"; thence from Point "B" running along an arc of a curve to the right having a variable radius and spiral distance North 22 degrees 21 minutes 17 seconds East 196.40 feet to Point "C"; thence from Point "C" running along an arc of a curve to the right having an arc length of 768.45 feet, a radius of 1357.89 feet and running North 41 degrees 17 minutes 35 seconds East a distance of 758.24 feet to Point "D"; thence from Point "D" running along an arc of a curve to the right having a variable radius and spiral distance North 60 degrees 13 minutes 53 seconds East 196.40 feet to Point "E"; thence from Point "E" North 61 degrees 34 minutes 32 seconds East 44.51 feet to Point "F"; thence from Point "F" South 48 degrees 12 minutes 28 seconds East 21.25 feet to Point "G"; thence from Point "G" South 61 degrees 34 minutes 33 seconds West 51.71 feet to Point "H"; thence from Point "H" running along an arc of a curve to the left having a variable radius and spiral distance South 60 degrees 14 minutes 11 seconds West 194.98 feet to Point "J"; thence from Point "J" running along an arc of a curve to the left having an arc length of 757.14 feet, a radius of 1337.89 feet and running South 41 degrees 17 minutes 35 seconds West 747.07 feet to Point "K"; thence from Point "K" running along an arc of a curve to the left having a variable radius and spiral distance South 22 degrees 20 minutes 59 seconds West 194.98 feet to Point "M" thence from Point "M" South 21 degrees 00 minutes 38 seconds West 198.40 feet to Point "N"; thence from Point "N" North 68 degrees 31 minutes 26 seconds West 20.00 feet to Point "A", the point and place of BEGINNING and containing approximately 0.643 acres.

The property hereinabove described as Tract A & B was acquired by Granter by instrument recorded in Book 392, Page 106, Onslow County Registry.

The property herein above described as Tract C was acquired by Grantor by instrument recorded in Book 587, Page 720, Onslow County Registry.

WORKSHEET FOR REZONING REQUESTS

Applicant: Carl Beacham & Dr. Ken Morgan

Property Location: 201 & 235 Wilmington Highway & 118 Broadhurst Road

Tax Map and Parcel ID: 332-46, 332-46.1, 332-46.3, 332-46.4

Existing zoning designation: Business 1 (B-1) & Adult Establishment Overlay

Proposed zoning designation: Business 1 (B-1)

Proposed Conditions: None

REASONABLENESS FINDINGS OF FACT:

A. Size of the tract- The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.	Yes	No
B. Compatibility with a comprehensive plan- The proposed rezoning is consistent with any comprehensive plan, small area plan or elements thereof.	Yes	No
C. Impact- The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.	Yes	No
D. Comparison of uses- The allowed uses within the proposed zoning district are similar or comparable to uses permitted as currently zoned.	Yes	No

GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-D being found in the affirmative and that the rezoning advances the public interest.

DENYING THE REZONING REQUEST

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- ☐ A. The size of the tract
- ☐ B. Incompatibility with the comprehensive plan
- ☐ C. Impact to surrounding community and immediate neighbors
- ☐ D. Proposed uses are dissimilar to those currently permitted

Attachment

A

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

Sammy Phillips, Mayor

Carmen Miracle, City Clerk

B



Draft Planning Board Minutes – November 14, 2011

Agenda
Item:

Adult Establishment Overlay Amendment- 235 & 201 Wilmington Hwy & 118 Broadhurst Rd

Carl Beacham and Ken Morgan have submitted a request to amend the existing Adult Establishment Overlay from approximately thirteen acres from the south side of Wilmington Highway. If approved, these parcels would no longer be within the Adult Establishment Overlay; therefore, adult businesses would not be permitted within these areas. The subject sites are located at 235 and 201 Wilmington Highway and 118 Broadhurst Road. The subject parcels are undeveloped, vacant and used as office space; they are adjacent to apartments, government offices and a restaurant, all zoned Office & Institutional (O&I). Across Broadhurst Road there are a variety of commercial land uses and a place of worship, all zoned Business One (B-1). Across Wilmington Highway, there are a variety of commercial land uses, also zoned Business One (B-1). The closest parcels which are also part of the Adult Establishment Overlay are located across the Wilmington Highway and the closest, established adult establishment, The Cave, is located approximately 600 feet from the subject parcels.

The Adult Establishment Overlay was created to permit adult establishments in certain areas of Jacksonville while minimizing their impact on residential land uses, public/institutional land uses, property values and general crime and blight. While the Overlay permits adult establishments by use, the spacing requirements of adult establishments from each other (1,500 feet) and of adult establishments from residences and public/institutional uses (500 feet) preclude the additional establishments in the area as long as The Cave is in operation. The Business One (B-1) zoning district is designed to accommodate businesses with a larger variety of services than those found in Neighborhood Business. It is intended to include such businesses that would be oriented to a shopping center or mall. This zone was intended for other uses such as newspaper offices, automotive repair garages, and similar establishments with a heavier concentration of business, still requiring off-street parking. If the Adult Establishment Overlay were amended, the existing Business One (B-1) zoning district would remain in place. In accordance with the NC General Statutes, all property owners within 100 feet of the subject parcels will be notified of the proposed rezoning. In addition, Public Hearing Notifications will be posted in the Jacksonville Daily News advertising the public hearing of the rezoning. A courtesy notification was sent out informing these same owners about the Planning Board meeting. Staff recommends approval of the rezoning request based on Findings of Facts A-D being found in the affirmative and that the rezoning does advance the public interest.

Attachment

C

Al Keys asked if churches and school were allowed to locate close to adult establishments or if they also had to abide by the same spacing requirements when they develop. Ms. Sertell stated that only adult establishments had to provide the spacing, but that schools, churches, etc. were able to locate any where that they're a permitted use in a zoning district.

Pauline Joos asked if the rules of what the City is doing is agreeable with Onslow County. Ms. Sertell stated that the area in question is in the City.

Danny Williams moved to approve the rezoning request based on Findings of Facts A-D being found in the affirmative. Homer Spring seconded the motion.

The motion to approve the rezoning request based on Findings of Facts A-D being found in the affirmative was approved by the Board Members present. The motion was voted for by Vice Chairperson Sandra Wyrick, Alfred Keyes, Homer Spring, Theresa VanderVere, and Danny Williams and against by Pauline Joos.

Section 107. Regulation of Adult Establishments. *(Amended 7/7/98)*

WHEREAS, the Jacksonville City Council finds that there is convincing documented evidence that adult establishments, because of their very nature, have deleterious effects on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, the Jacksonville City Council recognizes that adult establishments, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other and near residential, religious, and educational uses, thereby contributing to urban blight and downgrading quality of life in the adjacent area; and

WHEREAS, the Jacksonville City Council wants to prevent these adverse effects and thereby protect health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance that addresses the secondary effects of adult establishments through time, place, and manner regulations; and

NOW, THEREFORE, BE IT ORDAINED by the Jacksonville City Council as follows:

A. Purpose.

1. Generally:

The Jacksonville City Council has determined that adult establishments, in general, cause negative secondary impacts on neighboring properties. These secondary impacts include decreases in adjacent property values, contribution to neighborhood blight, and the creation of potential land use conflicts. In particular, the concentration of adult establishments tends to attract undesirable quantity and quality of transients, causes increases in crime, especially prostitution, and results in the relocation of residents and businesses elsewhere. The purpose of this section is to provide for the legal establishment of adult uses by imposing appropriate "time, place, and manner" regulations that disperse their location and minimize their negative secondary impacts.

Attachment

D

2. Signage:

The Jacksonville City Council has also recognized that unregulated size, graphic and textual content of signage for adult establishments directly impacts neighboring property values, contributes to neighborhood blight, negatively affects traffic safety, and promotes prurient interests in the public, all of which undermine the substantial governmental purpose in regulating the negative secondary effects of adult establishments.

Signage requirements as set forth for adult establishments in this section provide for adequate signage area for advertising businesses, but limit the size, numbers, and content of signs to protect community appearance, provide for traffic safety, prohibit prurient content to protect community interests, and protect and preserve adjoining property values.

3. Building Design and Facade Treatment:

The Jacksonville City Council has determined that unregulated building design and facade treatment of adult establishments may also result in intensifying prurient interests in the public, may negatively affect minors, neighboring property values, and traffic safety. To this end, this section shall also regulate building design and facade treatment only to the extent necessary to prohibit the promotion of prurient interests in the public, and to minimize their negative secondary impacts on traffic safety and adjoining properties. This section shall outline distance, signage, and limited building design standards for the location and operation of adult establishments and their signage in Jacksonville and its extraterritorial jurisdiction.

B. Application and Review Procedures.

1. All adult establishments as primary or accessory uses of a property shall be allowed as permitted uses in the Business-1 (B-1), Business-2 (B-2), and Industrial (I) zones that are also located in the Adult Establishment Overlay Zone. In addition to the zone regulations, all adult establishments shall also meet the criteria outlined in this section.

2. Within 15 days of the submittal date, the Planning Department shall review the plans and make a determination to approve or disapprove plans based on the requirements of this ordinance. Staff approved plans shall be immediately reported to City Council. Approval shall become final unless further review of the proposal's compliance with the standards listed herein is requested by at least two (2) Council members or by the Mayor before the adoption of the agenda at the subsequent regularly scheduled City Council meeting.

C. Adult Establishment Overlay Zone.

1. The Adult Establishment Overlay Zone, as set forth on a map so entitled and dated March 17, 1998, as amended is hereby adopted by reference as an element of the Official Zoning Ordinance and Map of the City of Jacksonville.
2. All adult establishments shall be located within the Adult Establishment Overlay Zone (AEOZ). This shall include all parking, landscaping, signage, and all other site improvements associated with the regulated use.

D. Standards Applicable.

1. All adult establishments shall meet the following criteria:
 - a. Shall be located a minimum of five-hundred (500) feet in any direction from all of the following: 1) any residential use or zone; 2) church, synagogue, mosque, temple or any other structure used as a recognized place of worship; 3) public or private school, 4) state licensed day care; 5) public playground, public swimming pool, or public park. All measurements shall be taken from the exterior walls of the building(s) containing the adult use to the residential zone boundary or the lot line of the lot on which the building containing the above uses are located;
 - b. All adult establishments shall be located a minimum of fifteen-hundred (1,500) feet in any direction from any other adult establishment located in the Adult Establishment Overlay Zone (AEOZ);
 - c. All windows, doors, openings, entrances, etc., shall be located, covered, screened, or otherwise treated so the views into the interior of the establishment are not possible from any public or semi-public area, street, or way.
 - d. All adult establishments shall not exceed a floor area ratio (FAR) requirement of 0.25 and a lot coverage requirement of twenty (20) percent.
2. Additionally, the applicant must furnish the following information:
 - a. A site plan meeting all City standards; and
 - b. Location of all land uses in any direction within fifteen hundred (1,500) feet from the proposed use measured from the exterior walls of the building(s) containing the regulated use.

E. Signage.

1. *Ground Signs:* All lots (both corner and interior) on which an adult establishment is located upon shall be limited to one (1) ground sign not to exceed twenty-five (25) feet in height. The size of the sign shall be limited to 0.3 square feet for every linear foot of road frontage that the sign fronts. In no case shall the size of the sign exceed seventy-five (75) square feet.
2. *Wall Signs:* All buildings within which an adult establishment is located shall be limited to one (1) wall sign not to exceed seventy-five (75) square feet. This wall sign shall include any sign that is painted or attached to any wall or any other portion of the building facade. No roof signs shall be permitted.
3. *Additionally:*
 - a. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or the street in front of the building.
 - b. No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.
 - c. No graphic or textual sign that is customarily construed as promoting the public's prurient interest may be directly or indirectly displayed referencing any of the following:
 - I) any nude or semi-nude activity occurring at the adult establishment,
 - ii) any portion of the human anatomy or reference to any "specified anatomical parts", and
 - iii) any other paraphernalia intended for use in "specified sexual activities".
 - iv) no flashing signs or lights may be used either on ground sign, wall sign or on any other portion of the building facade or site.

F. Building Facade Standards.

1. No external portion of any facade, or building, or part thereof shall be designed to imitate or suggest any "specified anatomical areas" or "specified sexual activities".

2. No substantial external portion (no more than 25 percent) of any facade, or any side of the building, or part thereof shall be colored or treated in garish or conspicuous shades that are customarily not used (for example, any florescent or bright shade of pink, blue, green, purple, yellow, red, etc.). Pastel shades and earthy tones shall be considered acceptable as facade colors.

3. The applicant shall submit architectural elevation drawings of all sides of the proposed or existing structure along with the site plan. The elevation drawing shall graphically illustrate all the external portions of the building and adequately address Subsections F 1 and F 2 above.

G. Non-Conforming Adult Establishments.

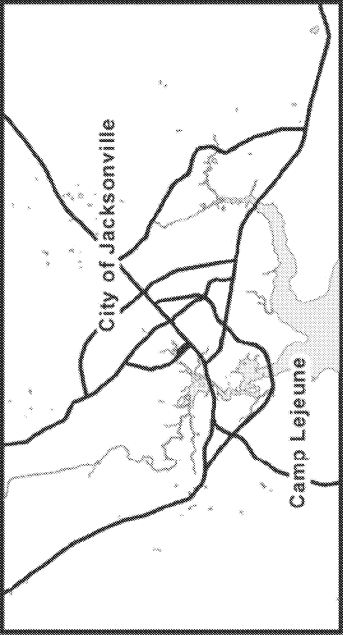
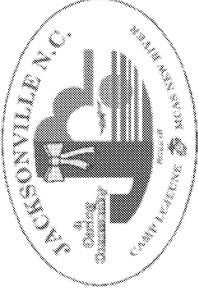
1. *Definition:* Non-conforming adult establishments are all existing adult establishments as defined by Section 10. Definitions that have not met all the requirements of this ordinance at the time of adoption of this section of the ordinance.

2. *Standard Applicable:* All non-conforming adult establishments as defined above shall comply with all the requirements of this section within a period of five (5) years from the date of adoption of this section. Failure to comply shall render the business illegal and subject to zoning enforcement action.

H. Severability.

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this section are severable, and if any such section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgement or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this section since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

Adult Establishment Overlay- Existing Zoning



Legend
Adult Business Overlay

Zoning Districts

- B-1
- B-2
- CBD
- CU-B
- CU-B-1
- CU-B-2
- CU-NB
- CU-O&I
- CU-RA-20
- CU-TCA
- IND
- MR
- NB
- O&I
- OMU
- R-7
- R-O
- RA-20
- RD-3
- RD-5
- RM-5
- RM-6
- RS-10
- RS-12
- RS-5
- RS-6
- RS-7
- TCA
- WATER

Attachment

E

STATE OF NORTH CAROLINA
(DEPT. OF TRANSPORTATION SITE)

DB 545, PG. 255
M.B. 19, PG. 5

TRACT NO. 1
PER M.B. 19, PG. 5 &
D.B. 545, PG. 253
(TRACT NO. IV)

20' UTILITY
EASEMENT

DEED BOOK 392, PAGE 106
TRACT A

GREAT CUISINE
DEED BOOK 1331, PAGE 201
0.68 ACRES

- REF.
1. D.B. 392, PG. 106
 2. D.B. 545, PG. 253
 3. D.B. 587, PG. 720
 4. M.B. 19, PG. 5
 5. D.O.T. PLANS; PROJEC
 6. D.B. 1331, PG. 201

BOUNDARY

PRINTED 11.7.11

PARKER & ASSOCIATES, INC.
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS
P.O. BOX 976 JACKSONVILLE NC 28541-0976

Attachment

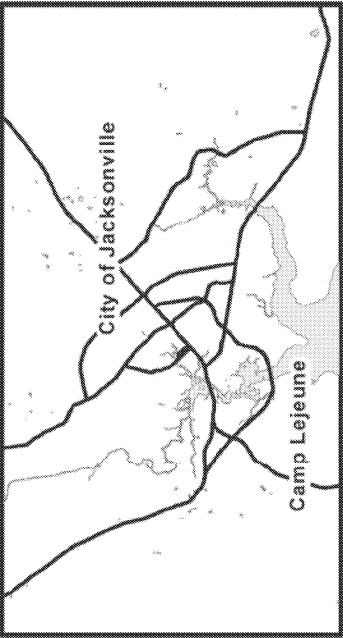
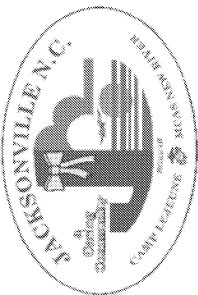
F

- NOTE:
- 1) DASHED LINES NOT SURVEYED.
 - 2) ALL DISTANCES ARE HORIZONTAL GROUND.
 - 3) ALL ACREAGE CALCULATED BY COORDINATES.
 - 4) DATA ON DASHED LINES TAKEN FROM RECORD DOCUMENTS.

This Recombination of Lots is EXEMPT from the City of Jacksonville subdivision regulations under Section X J 1, which states "The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown by the regulations

I, Michael H. Deering, certify that this map creates a subdivision of land within the area of a county or municipality that has an ordinance to regulate subdivisions of parcels of land, but that these

Adult Establishment Overlay- CAMA Future Land Use

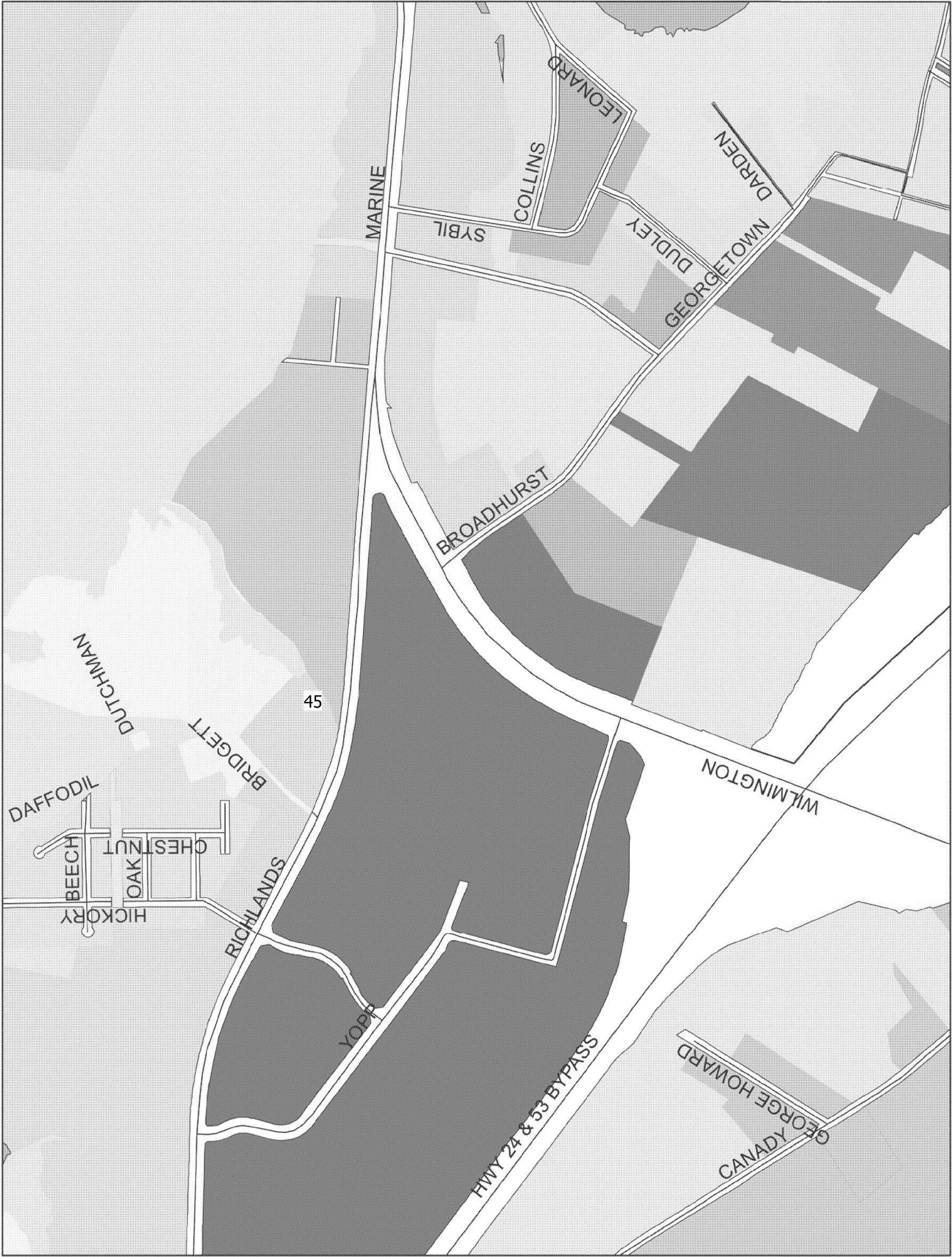


Legend

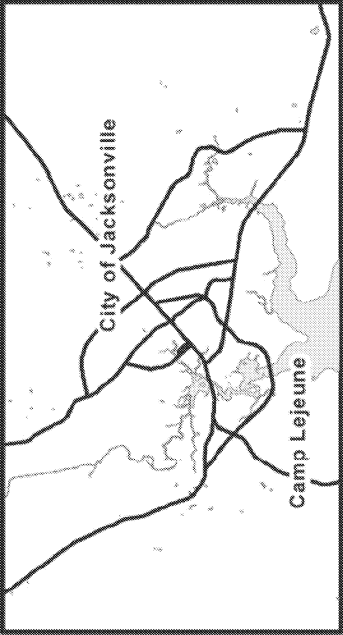
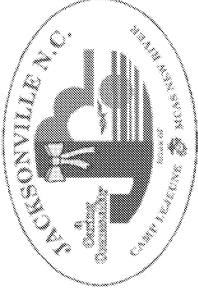
gisdata.GISADMIN.CAMALandUse2011

Future Land Use

	csv	hdr	ind	inst, public	ldr	mdr	mys	nc	office	park	rc



Adult Establishment Overlay- Proposed Zoning



Legend

adult_business_overlay

Zoning Districts

- B-1
- B-2
- CBD
- CU-B
- CU-B-1
- CU-B-2
- CU-NB
- CU-O&I
- CU-RA-20
- CU-TCA
- IND
- MR
- NB
- O&I
- OMU
- R-7
- R-O
- RA-20
- RD-3
- RD-5
- RM-5
- RM-6
- RS-10
- RS-12
- RS-5
- RS-6
- RS-7
- TCA
- WATER

Attachment

H



Request for City Council Action

Agenda Item:	2
Date:	12/6/2011

Subject: Public Hearing - Voluntary Annexation Petition – HPS&R and Jacksonville Hotel, Inc. – 10.21-Acres – Western Blvd.

Department: City Manager's Office

Presented by: Ron Massey, Assistant City Manager

Presentation: Yes

Issue Statement

On behalf of HPS&R, Inc. and Jacksonville Hotel, Inc., John Pierce and Associates submitted a voluntary annexation petition for annexation of three tracts (total 10.21 acres) that are contiguous to the current City limit boundaries. The tracts are located adjacent to Western Blvd at its intersection with Henderson Drive Extension.

The property is currently proposed as the future site for three commercial businesses: 1) 73,109 square feet Courtyard by Marriot hotel with 112 rooms and conference meeting space; 2) Car Wash, and 3) Restaurant.

Financial Impact

Costs and Revenues are provided in the attached detailed Annexation Analysis Total Cost Benefit Summary. The financial analysis shows a positive net cash flow over the five year review period.

Action Needed

Conduct Public Hearing

Consider Annexation Ordinance

Recommendation

Staff recommends that Council move to adopt the Annexation Ordinance as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Ordinance
- B Cost Benefit Summary
- C Location Map



Staff Report

Voluntary Annexation Petition - HPS&R and Jacksonville Hotel, Inc.

Introduction

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

Tracts 1-3 are located adjacent to Western Blvd across from its intersection with Henderson Drive Extension. The property is surrounded by vacant property on three sides and by a gas station and three banks (RBC Centura, BB&T, and First Citizens) across the road on Western Blvd.

The property is currently proposed as the site for three commercial businesses: 1) 73,109 square feet hotel, Courtyard by Marriot, with 112 rooms and conference room space; 2) Car Wash, and 3) Restaurant.

Procedural History

- November 9, 2011 – Resolution adopted directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- November 22, 2011 – Resolution adopted scheduling a Public Hearing.
- December 6, 2011 – Conduct a Public Hearing and Council consideration of Annexation Ordinance.
- December 6, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- HPS&R, Inc. – John Pierce – Managing Partner
- Jacksonville Hotel, Inc. – Javesh N. Patel, Vice President
- Citizens of Jacksonville

Financial Analysis:

The annexation area does not require significant infrastructure investment on the City's behalf.

The financial analysis model is also highly sensitive to changes in assumptions related to the timing and amount of public safety service investments and the absorption rate. The financial analysis relies significantly on input provided by the developer. This input includes construction of future commercial development (112 room Courtyard by Marriot with conference room space; Car Wash, and a Restaurant.) If this input does not hold true, then the financial analysis could change significantly. Using the assumptions which were provided by the developer, the financial analysis shows a positive net cash flow over the five year review period.

Fire Station #4 will be able to serve the site and the Fire Department indicated they do not expect an adverse impact on the ISO rating associated with the annexation of this area.

Options

Adopt the Annexation Ordinance: **RECOMMENDED.**

- Pros: The site is contiguous to the current corporate limits and is proposed for future commercial development;
- Cons: None

Deny the Annexation Ordinance:

- Pros: None
- Cons: This action would conflict with past actions associated with contiguous property proposed for development;

Defer Consideration of the Annexation Petition:

- Should Council desire additional information related to this voluntary annexation request, defer the request and provide direction to staff on the specific information Council would like to receive.

ORDINANCE (2011-)

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF JACKSONVILLE, NORTH CAROLINA**

**HPS&R AND JACKSONVILLE HOTEL, INC.
WESTERN BLVD. - 10.21-ACRES**

WHEREAS, the City Council has been petitioned under G. S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of the annexation was held at the Jacksonville City Hall at 7 o'clock, P.M. on the 6th day of December 2011, after due notice of publication on the 26th day of November, 2011, and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made a part of the City of Jacksonville:

**HPS&R, INC. - TRACTS 1 & 2 HPS&R, INC. - 3.06 ACRE TRACT
JACKSONVILLE TWP., ONSLOW COUNTY, NORTH CAROLINA**

Commencing at a point located where the centerline of N.C. Highway 53 (previously known as NCSR 1470 – commonly known as Western Boulevard – 200 foot right of way) intersects the centerline of NCSR 1336 (commonly known as Henderson Drive); thence leaving the said centerline and running North 48 degrees 47 minutes 24 seconds East 100.22 feet to an existing iron stake located along the Northeastern right of way of N.C. Highway 53; thence along the said right of way along a curve to the right having a radius of 5829.58 feet and a chord bearing and distance of South 44 degrees 43 minutes 05 seconds East 50.09 feet to an iron stake, said iron stake also being **THE TRUE POINT OF BEGINNING**; thence from the described beginning and leaving the said right of way and running along the Southeastern right of way of the proposed Henderson Drive Extension North 48 degrees 47 minutes 24 seconds East 276.91 feet to an iron stake; thence leaving the proposed right of way and running South 38 degrees 21 minutes 56 seconds East 185.81 feet to an iron stake; thence South 48 degrees 21 minutes 56 seconds East 131.31 feet to an iron stake; thence South 48 degrees 21 minutes 56 seconds East 119.29 feet to an iron stake; thence South 38 degrees 09 minutes 23 seconds East 60.75 feet to an iron stake; thence South 51 degrees 38 minutes 04 seconds West 289.29 feet to an existing iron stake located along the said Northeastern right of way of N.C. Highway 53; thence along the said right of way the following courses and distances: North 39 degrees 27 minutes 19 seconds West 71.94 feet to an existing iron stake, thence along a curve to the left having a radius of 5829.58 feet and a chord bearing and distance of North 40 degrees 54 minutes 35 seconds West 92.76 feet to an iron stake, thence along a curve to the left having a

Attachment

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radius of 5829.58 feet and a chord bearing and distance of North 42 degrees 55 minutes 07 seconds West 316.00 feet to the point and place of beginning. Containing 3.06 acres and being described as Tracts 1 & 2 HPS&R, Inc. and recorded in Map Book 62 Page 233 Slide 0-16 and a portion of Deed Book 1310 Page 514 of the Onslow County Registry and being subject to all easements of record. The courses contained herein are correct in angular relationship and are referenced to N.C. Grid North; and;

JACKSONVILLE HOTEL, INC. - TRACT 3 HPS&R, INC. - 7.15 ACRE TRACT
JACKSONVILLE TWP., ONSLOW COUNTY, NORTH CAROLINA

Commencing at a point located where the centerline of N.C. Highway 53 (previously known as NCSR 1470 – commonly known as Western Boulevard – 200 foot right of way) intersects the centerline of NCSR 1336 (commonly known as Henderson Drive); thence leaving the said centerline and running North 48 degrees 47 minutes 24 seconds East 100.22 feet to an existing iron stake located along the Northeastern right of way of N.C. Highway 53; thence along the said right of way along a curve to the right having a radius of 5829.58 feet and a chord bearing and distance of South 44 degrees 43 minutes 05 seconds East 50.09 feet to an iron stake; thence leaving the said right of way and running along the Southeastern right of way of the proposed Henderson Drive Extension North 48 degrees 47 minutes 24 seconds East 276.91 feet to an iron stake, said iron stake also being ***THE TRUE POINT OF BEGINNING***; thence from the described beginning and continuing along the said right of way North 48 degrees 47 minutes 24 seconds East 184.59 feet to an iron stake, thence along a curve the left having a radius of 500.00 feet and a chord bearing and distance of North 34 degrees 04 minutes 30 seconds East 254.01 feet to an iron stake; thence leaving the said right of way and running South 68 degrees 59 minutes 33 seconds East 673.02 feet to an iron stake; thence South 51 degrees 38 minutes 04 seconds West 726.12 feet to an iron stake; thence North 38 degrees 09 minutes 23 seconds West 60.75 feet to an iron stake; thence North 48 degrees 21 minutes 56 seconds West 119.29 feet to an iron stake; thence North 48 degrees 21 minutes 56 seconds West 131.31 feet to an iron stake; thence North 38 degrees 21 minutes 56 seconds West 185.81 feet to the point and place of beginning. Containing 7.15 acres and being described as Tract 3 HPS&R, Inc. and recorded in Map Book 62 Page 233 Slide 0-16 and a portion of Deed Book 3656 Page 680-681 of the Onslow County Registry and being subject to all easements of record. The courses contained herein are correct in angular relationship and are referenced to N.C. Grid North.

Section 2. Upon and after the 6th day of December 2011, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Jacksonville and shall be entitled to the same privileges and benefits as other parts of the City of Jacksonville. Said territory shall be subject to municipal taxes according to G. S. 160A-58.10.

Section 3. The Mayor of the City of Jacksonville shall cause to be recorded in the Office of the Register of Deeds of Onslow County, and in the Office of the Secretary of State, Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted by the City Council of the City of Jacksonville in regular session this 6th day of December 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

**City of Jacksonville
Annexation Analysis
Total Cost-Benefit Summary**

11/10/2011

HPS&R and Jacksonville Hotel, Inc.

**Project includes one each hotel,
restaurant, and car wash.**

Fiscal Year*	Fiscal Year*	Fiscal Year*	Fiscal Year*	Fiscal Year*	Fiscal Year*	5 Year
2012	2013	2014	2015	2016		Total

Section 1: Total Revenues

Property Taxes	\$60,891	\$60,891	\$60,891	\$60,891	\$60,891	\$304,456
Sales Tax	\$22,299	\$22,299	\$22,299	\$22,299	\$22,299	\$111,495
Powell Bill (Gas Tax)	\$157	\$162	\$167	\$172	\$177	\$834
Utility FranchiseTax	\$0	\$0	\$0	\$0	\$0	\$0
Business Tax	\$75	\$75	\$75	\$75	\$75	\$375
Water Revenues	\$31,091	\$31,091	\$31,091	\$31,091	\$31,091	\$155,453
Sewer Revenues	\$33,275	\$33,275	\$33,275	\$33,275	\$33,275	\$166,377
Stormwater Revenues	\$2,189	\$2,189	\$2,189	\$2,189	\$2,189	\$10,947
Total Estimated Revenues	\$149,978	\$149,983	\$149,988	\$149,993	\$149,998	\$749,938
Discounted Revenues	\$149,978	\$143,524	\$137,348	\$131,438	\$125,782	\$688,070

Section 2: Total Expenditures

Police	\$5,927	\$6,105	\$6,288	\$6,476	\$6,671	\$31,466
Fire	\$0	\$0	\$0	\$0	\$0	\$0
Water	\$4,021	\$4,141	\$4,265	\$4,393	\$4,525	\$21,345
Sewer	\$3,531	\$3,637	\$3,746	\$3,859	\$3,974	\$18,747
Transportation	\$0	\$306	\$306	\$306	\$306	\$1,225
Solid Waste	\$0	\$0	\$0	\$0	\$0	\$0
Parks and Recreation	\$0	\$0	\$0	\$0	\$0	\$0
Stormwater	\$2,761	\$2,761	\$2,778	\$2,795	\$2,811	\$13,907
Streets, Streetlights, Mosquito Control	\$1,714	\$1,716	\$1,717	\$1,719	\$1,720	\$8,587
Total Estimated Expenditures	\$17,954	\$18,666	\$19,101	\$19,548	\$20,008	\$95,277
Discounted Expenditures	\$17,954	\$17,862	\$17,491	\$17,130	\$16,778	\$87,215

Total Discounted Net Revenues (Expenditures)	\$132,024	\$125,662	\$119,857	\$114,308	\$109,004	\$600,855
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*Fiscal Year runs from July 1 through June 30 of the year listed.

Equivalent Police Officers Required	0.060	0.060	0.060	0.060	0.060	0.060
--	-------	-------	-------	-------	-------	-------

**The City's ISO Rating is Class 3
(70.98).**

**This annexation's potential affect
on this rating:**

Same	X	If New Station is not Built and Manned
Better	-	If New Station is not Built and Manned
Worse	-	If New Station is not Built and Manned

Attachment

B

**City of Jacksonville
Annexation Analysis
General Government Revenue Summary Sheet**

11/10/2011

**HPS&R and
Jacksonville Hotel,
Inc.**

**Fiscal Year
2012**

**Fiscal Year
2013**

**Fiscal Year
2014**

**Fiscal Year
2015**

**Fiscal Year
2016**

**5 Year
Total**

Revenue Source

Property Taxes

\$60,891

\$60,891

\$60,891

\$60,891

\$60,891

\$304,456

Sales Tax

\$22,299

\$22,299

\$22,299

\$22,299

\$22,299

\$111,495

Powell Bill (Gas Tax)

\$157

\$162

\$167

\$172

\$177

\$834

Utility FranchiseTax

\$0

\$0

\$0

\$0

\$0

\$0

Business Tax

\$75

\$75

\$75

\$75

\$75

\$375

**Total Estimated
Revenues**

\$83,422

\$83,427

\$83,432

\$83,437

\$83,442

\$417,161

<div> <div>City of Jacksonville Annexation Analysis</div> <div>11/10/2011</div> </div>						
HPS&R and Jacksonville Hotel, Inc.	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Total
Section 1: Real Property Calculations						
	\$11,701,900	\$11,701,900	\$11,701,900	\$11,701,900	\$11,701,900	\$58,509,500
Section 2: Personal Property Calculations						
Number of Dwellings	0	0	0	0	0	
Average Number of Cars Per Dwelling	1.6	1.6	1.6	1.6	1.6	
Number of Cars	0	0	0	0	0	
Average Value Per Car	\$7,930	\$8,089	\$8,250	\$8,415	\$8,584	
Total Personal Property	\$0	\$0	\$0	\$0	\$0	\$0
Section 3: Total Tax Calculations						
Total Tax Value	\$ 11,701,900	\$ 11,701,900	\$ 11,701,900	\$ 11,701,900	\$ 11,701,900	
Tax Rate per \$100 valuation	0.5380	0.5380	0.5380	0.5380	0.5380	
Total Tax Levy	\$ 62,956	\$ 62,956	\$ 62,956	\$ 62,956	\$ 62,956	
Collection Rate	0.9672	0.9672	0.9672	0.9672	0.9672	
Total Estimated Tax Revenue	\$60,891	\$60,891	\$60,891	\$60,891	\$60,891	\$304,456

City of Jacksonville Annexation Analysis						
						11/10/2011
HPS&R and Jacksonville Hotel, Inc.	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Total
Section 1: Sales Tax Calculations						
<i>Sales Tax Revenue Per 1,000 Residents</i>	\$57,083	\$57,768	\$58,461	\$59,163	\$59,872	
<i>Parcel Population</i>	0	0	0	0	0	
<i>Sales Tax Revenue Per \$1,000 Property Tax</i>	0.3542	0.3542	0.3542	0.3542	0.3542	
<i>Parcel Levy</i>	62956	62956	62956	62956	62956	
Total Sales Tax Revenue	\$22,299	\$22,299	\$22,299	\$22,299	\$22,299	\$111,495
Section 2: Gas Tax Calculations (Powell Bill)						
<u>75% Allocation Based on Per Capita Population</u>						
<i>Per Capita Reimbursement Rate</i>	\$20	\$20	\$21	\$21	\$22	
<i>Parcel population</i>	0	0	0	0	0	
<i>Subtotal for Per Capita</i>	\$0	\$0	\$0	\$0	\$0	\$0
<u>25% Allocation Based on Non- State Street Miles</u>						
<i>Reimbursement Rate per Street Mile</i>	\$1,571	\$1,618	\$1,667	\$1,717	\$1,768	
<i>Number of Non-State Street Miles</i>	0	0	0	0	0	
<i>Subtotal for Street Miles</i>	\$157	\$162	\$167	\$172	\$177	\$834
Total Gas Tax Calculations	\$157	\$162	\$167	\$172	\$177	\$834
Section 3: Utility Tax Calculations						
<i>Utility Tax Per 1000 Residents</i>	\$39,179	\$40,355	\$41,565	\$42,812	\$44,097	
<i>Parcel Population</i>	0	0	0	0	0	
Total Utility Tax Calculations	\$0	\$0	\$0	\$0	\$0	\$0
Section 4: Business Fee Calculations						
	\$75	\$75	\$75	\$75	\$75	\$375
Total Revenues	\$22,531	\$22,536	\$22,541	\$22,546	\$22,551	\$112,705

<div> <div>City of Jacksonville</div> <div>Annexation Analysis</div> <div>Police Cost Worksheet</div> </div>						
11/10/2011						
HPS&R and Jacksonville Hotel, Inc.						
Section 1: Descriptive Data						
Number of Authorized Sworn Officers	City Population	City Square Mileage	Average Personnel Costs	Average Operating Cost	Average Capital Cost	Total Officer Cost
119	77,343	54.85	\$69,505	\$24,831	\$3,230	\$97,567
Section 2: Ratios						
Average Number of Square Miles Per Sworn Officer	0.46	Jacksonville Actual		0.42	National Standard	
Average Number of People Per Sworn Officer	649.94	Jacksonville Actual		313	National Standard	
Average Number of Calls for Service Per Sworn Officer	891.87	Jacksonville Actual		604.00	National Standard	
Average Number of Commercial Buildings Per Sworn Officer	11.31	Jacksonville Actual		12.70	National Standard	
Average Number Homes Per Sworn Officer	97.83	Jacksonville Actual		171.50	National Standard	
Section 3: Average Total Cost Per Officer						
	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	5 Year
	2012	2013	2014	2015	2016	Totals
Average Cost Per Officer	\$97,567	\$100,494	\$103,509	\$106,614	\$109,812	\$517,996
Factor for E-911 Employees (4%)	\$1,265	\$1,303	\$1,342	\$1,383	\$1,424	\$6,718
Average Total Cost Per Officer	\$98,832	\$101,797	\$104,851	\$107,997	\$111,237	\$524,714
Section 4: Five-Year Parcel Data						
	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	
	2012	2013	2014	2015	2016	
Square Mileage	0.016	0.016	0.016	0.016	0.016	
Commercial Buildings	3	3	3	3	3	
Population	0	0	0	0	0	
Complaints	0.00	0.00	0.00	0.00	0.00	
Homes	0	0	0	0	0	
Section 5: Five-Year Cost Projection						
	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	5 Year
	2012	2013	2014	2015	2016	Totals
Per Square Mile	\$3,421	\$3,523	\$3,629	\$3,738	\$3,850	\$18,161
Per Commercial Building	\$26,213	\$27,000	\$27,810	\$28,644	\$29,503	\$139,170
Per 1,000 Population	\$0	\$0	\$0	\$0	\$0	\$0
Per # Complaints	\$0	\$0	\$0	\$0	\$0	\$0
Per # Homes	\$0	\$0	\$0	\$0	\$0	\$0
Section 5: Total Police Estimate						
<i>(Higher of Values in Section 5)</i>	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	5 Year
	2012	2013	2014	2015	2016	Totals
HPS&R and Jacksonville Hotel, Inc.	\$5,927	\$6,105	\$6,288	\$6,476	\$6,671	\$31,466
Equivalent Officers Needed	0.060	0.060	0.060	0.060	0.060	0.060

City of Jacksonville Annexation Analysis Fire Cost Worksheet					
					11/10/2011
HPS&R and Jacksonville Hotel, Inc.	Infill Development		No Cost	yes	
Section 1: Descriptive Data					
Number of Fire Stations	City Population	City Square Mileage	Total Department Cost	ISO Max. Sq. Mi. to Service	Square Miles of Annexation Proposal
4	77,343	54.85	\$6,144,050	7.065	0.016
SCENARIO I					
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<i>If VFD present in annexation area, then one of four things can happen:</i>					
1.) The City can enter into a contract with the VFD and allow them continue servicing the area with fire protection					
Total Cost to City if enter into contract with VFD	\$0	\$0	\$0	\$0	\$0
2.) The City can take over service of the annexation area with an existing station and pay a portion of the VFD's debt service.					
Portion of cost to operate existing station	\$0	\$0	\$0	\$0	\$0
Portion of the VFD's debt service owed by City	\$0	\$0	\$0	\$0	\$0
Total cost to City if servicing with existing station	\$0	\$0	\$0	\$0	\$0
3.) The City can take over service of the annexation area with a new station and pay a portion of the VFD's debt service.					
Portion of cost to build new station	\$0	\$0	\$0	\$0	\$0
Portion of the VFD's debt service owed by City	\$0	\$0	\$0	\$0	\$0
Total cost to City if servicing with new station	\$0	\$0	\$0	\$0	\$0
4.) No Fire District Tax Exists and the City can make an in-kind contribution.					
Total cost to City for in-kind contribution	\$0	\$0	\$0	\$0	\$0
SCENARIO II					
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<i>If no VFD in annexation area, then one of two things can happen:</i>					
1.) The City can take over service of the area with an existing station.					
Total cost to City if servicing with existing station	\$0	\$0	\$0	\$0	\$0
2.) The City can take over service of the area with a new station.					
Total cost to City if servicing with new station	\$ -	\$ -	\$ -	\$ -	\$ -
<i>(Higher of Values in Scenario I and II)</i>					
TOTAL FIRE COST FOR ANNEXATION	\$ -	\$ -	\$ -	\$ -	\$ -
The City's ISO Rating is Class 3 (70.98).					
This annexation's potential affect on this rating:					
Same	X	If New Station is not Built and Manned			
Better		If New Station is not Built and Manned			
Worse		If New Station is not Built and Manned			

**City of Jacksonville
Annexation Analysis
Water Worksheet**

11/10/2011

HPS&R and Jacksonville Hotel, Inc.

Section 1: Descriptive Data	Cumulative Miles of Line Installed	Size of Meter	Parcel Acreage	Zoning	Average Cost/Sq Mile	Sq Mileage
	0.25	various	10.21	1	\$252,020	0.0160

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 2: Estimated Operating Expenses						
Average cost for annexation area	\$4,021	\$4,141	\$4,265	\$4,393	\$4,525	
Costs of reimbursement	\$0	\$0	\$0	\$0	\$0	
Debt Retirement for infrastructure improvements made by the City to support the annexation	\$0	\$0	\$0	\$0	\$0	

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 3: Revenues						
Fixed charges						
apply appropriate rate by meter size	\$6,010	\$6,010	\$6,010	\$6,010	\$6,010	
Volume charges						
volume rate x total per 1,000 gallons x 12 months	\$25,081.03	\$25,081.03	\$25,081.03	\$25,081.03	\$25,081.03	
Facility Charge (one time fee)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	

Annexation Costs	\$4,021	\$4,141	\$4,265	\$4,393	\$4,525	
Annexation Revenues	\$31,091	\$31,091	\$31,091	\$31,091	\$31,091	
Net Gain (or Loss) from Annexation	27,070	26,950	26,825	26,697	26,566	

City of Jacksonville Annexation Analysis Sewer Worksheet						
						11/10/2011
HPS&R and Jacksonville Hotel, Inc.						
Section 1: Descriptive Data	Cumulative Miles of Line Installed	Size of Meter	Parcel Acreage	County	Average Cost/Sq Mile	Sq Mileage
	0.20	1.00	10.21	1	\$221,342	0.0160
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 2: Estimated Operating Expenses						
Average cost for annexation area	\$3,531	\$3,637	\$3,746	\$3,859	\$3,974	
Costs of reimbursement						
Debt Retirement for infrastructure improvements made by the City to support the annexation	\$0	\$0	\$0	\$0	\$0	
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 3: Revenues						
Fixed charges						
apply appropriate rate by meter size	\$2,924	\$2,924	\$2,924	\$2,924	\$2,924	
Volume charges						
volume rate x total per 1,000 gallons x 12 months	\$30,351	\$30,351	\$30,351	\$30,351	\$30,351	
Industrial Surcharges						
BOD Charges	\$0	\$0	\$0	\$0	\$0	
SS Charges	\$0	\$0	\$0	\$0	\$0	
Facility Charge (one time fee)	\$0	\$0	\$0	\$0	\$0	
Annexation Costs	\$3,531	\$3,637	\$3,746	\$3,859	\$3,974	
Annexation Revenues	\$33,275	\$33,275	\$33,275	\$33,275	\$33,275	
Net Gain (or Loss) from Annexation	29,744	29,638	29,529	29,417	29,301	

**City of Jacksonville
Annexation Analysis
Transportation Cost Worksheet**

11/10/2011

**HPS&R and Jacksonville
Hotel, Inc.**

		Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	
	Acreage at Build- out	2012	2013	2014	2015	2016	Total
Residential Development	0	\$0	\$0	\$0	\$0	\$0	\$0
Commercial Development	10.21	\$0	\$306	\$306	\$306	\$306	\$1,225
Industrial Development	0	\$0	\$0	\$0	\$0	\$0	\$0
TIA Estimated Costs		\$0					\$0
Computer Signal System Costs		\$0					\$0
FIVE YEAR TRANSPORTATION COSTS FOR ANNEXATION		\$0	\$306	\$306	\$306	\$306	\$1,225

**City of Jacksonville
Annexation Analysis
Solid Waste Cost Worksheet**

11/10/2011

**HPS&R and Jacksonville
Hotel, Inc.**

**Section 1: Descriptive
Data**

**Single
Dumpster
Cost/Year**

**Single
Family Trash
Removal
Cost/Year**

**Single
Family Free
Small
Recycling
Bin Per Unit**

**Single
Family Free
Refuse
Container
per Unit**

**Commercial
Unit Trash
Removal
Cost/Year**

\$478

\$455

\$10

\$52

\$455

**Fiscal Year
2012**

**Fiscal Year
2013**

**Fiscal Year
2014**

**Fiscal Year
2015**

**Fiscal Year
2016**

**Section 2: Estimated
Yearly Solid Waste Costs**

Single Family Units

Solid Waste Removal

\$0

\$0

\$0

\$0

\$0

Recycling Containers

\$0

\$0

\$0

\$0

\$0

Refuse Containers

\$0

\$0

\$0

\$0

\$0

Multi-Family Unit Dumpsters

\$0

\$0

\$0

\$0

\$0

Commercial Units

\$0

\$0

\$0

\$0

\$0

TOTAL

\$0

\$0

\$0

\$0

\$0

Commercial Units use dumpsters which is a pass thru cost with no net impact to the City.

<div style="text-align: center;"> City of Jacksonville Annexation Analysis Parks and Recreation Cost Worksheet </div>					
					11/10/2011
HPS&R and Jacksonville Hotel, Inc.					
Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	77,343	54.85	0.016	10.21	
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Parks and Recreational Costs					
Average cost per household per year	\$0	\$0	\$0	\$0	\$0

<div> <div>City of Jacksonville</div> <div>Annexation Analysis</div> <div>Stormwater Cost Worksheet</div> </div>					
					11/10/2011
HPS&R and Jacksonville Hotel, Inc.					
Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	77,343	54.85	0.016	10.21	
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Stormwater Costs					
Residential - Average cost per sq mile (acreage)	\$0	\$0	\$0	\$0	\$0
Residential - Average cost per sq mile (streets)	\$0	\$0	\$0	\$0	\$0
Commercial - Average cost per sq mile (acreage)	\$572	\$572	\$589	\$605	\$622
Commercial - Average cost per sq mile (plan impervious surface)	\$2,189	\$2,189	\$2,189	\$2,189	\$2,189
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 3: Revenues					
Fixed charges					
Annual Charge per Home	\$0	\$0	\$0	\$0	\$0
Annual Charge per Business	\$2,189	\$2,189	\$2,189	\$2,189	\$2,189
Annexation Costs	\$2,761	\$2,761	\$2,778	\$2,795	\$2,811
Annexation Revenues	\$2,189	\$2,189	\$2,189	\$2,189	\$2,189
Net Gain (or Loss) from Annexation	(572)	(572)	(589)	(605)	(622)

**City of Jacksonville
Annexation Analysis
Streets, Street Lighting, Mosquito Control Cost Worksheet**

11/10/2011

HPS&R and Jacksonville Hotel, Inc.

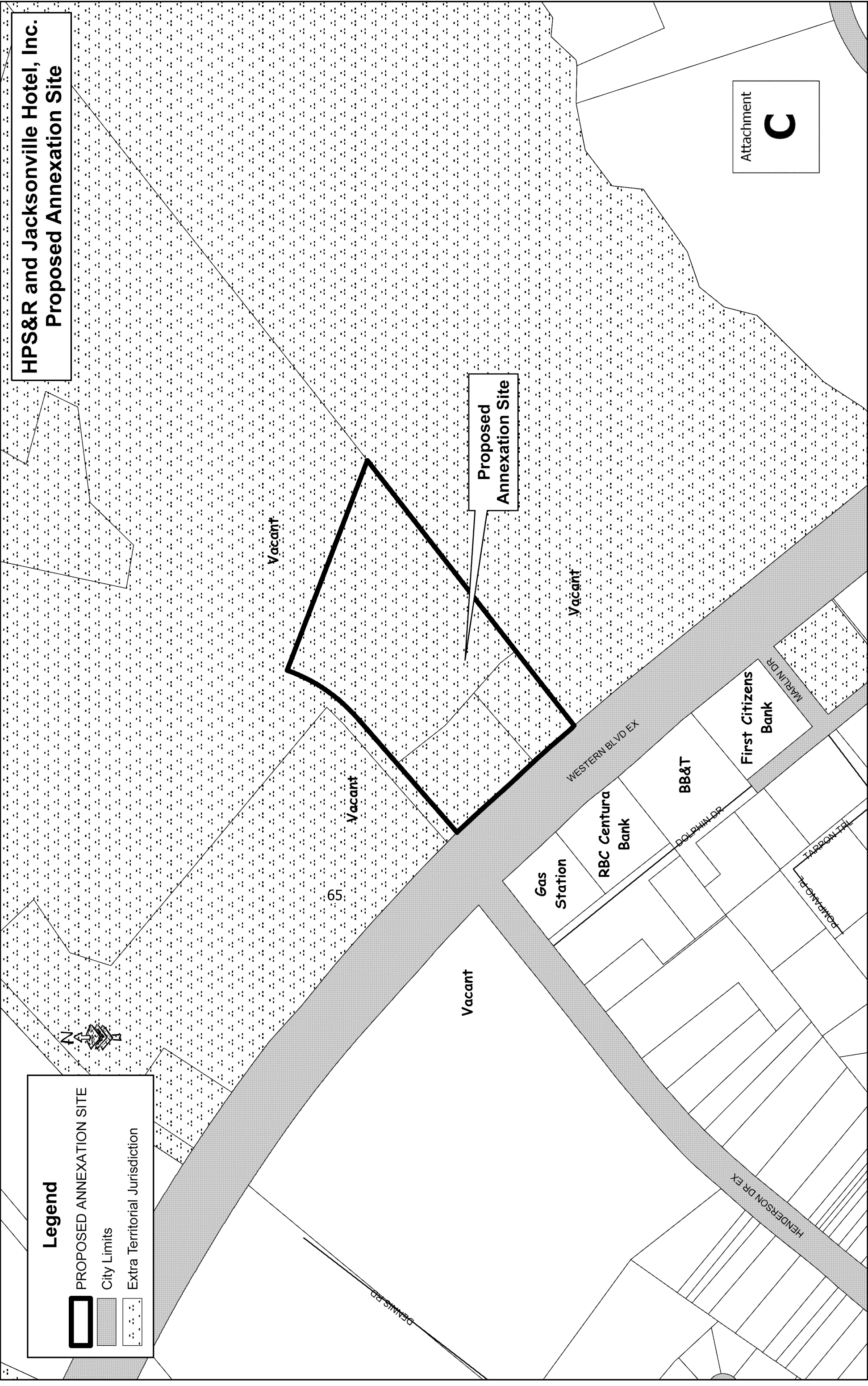
Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	77,343	54.85	0.016	10.21	

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Street Costs					
Miles of Streets Constructed	0.1	0.1	0.1	0.1	0.1
Average Cost of LF of Street	\$1,663	\$1,663	\$1,663	\$1,663	\$1,663

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 3: Street Lighting Costs					
Number of Street Lights Installed	0	0	0	0	0
Average Cost of Street Lighting	\$0	\$0	\$0	\$0	\$0

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 4: Mosquito Control					
Residential Average Cost Based On Acreage	\$0	\$0	\$0	\$0	\$0
Commercial Average Cost Based On Acreage	\$51	\$53	\$54	\$56	\$57

Annexation Costs	\$1,714	\$1,716	\$1,717	\$1,719	\$1,720





Request for City Council Action

Agenda Item:	3
Date:	12/6/2011

Subject: Public Hearing - Voluntary Annexation Petition – New Beginnings Child Care Center-3.10 acres – 200 Terry Lee Lanier Drive – Carolina Forest

Department: City Manager's Office

Presented by: Ron Massey, Assistant City Manager

Presentation: Yes

Issue Statement

NBI Financial III, LLC (New Beginnings Child Care Center) submitted a voluntary annexation petition for 3.10 acres that are contiguous to the current City limit boundaries.

The property is located adjacent to Carolina Forest Blvd at its intersection with Terry Lee Lanier Drive. The property is the site of a 14,533 square feet childcare facility, which has been issued a 90 day certificate of occupancy. A site plan for the facility was approved October 22, 2010, with driveway access only on Terry Lee Lanier Drive. The facility is paying outside City water and sewer rates until the property is annexed into the City.

Financial Impact

Costs and Revenues are provided in the attached detailed Annexation Analysis Total Cost Benefit Summary. The financial analysis shows a positive net cash flow over the five year review period.

Action Needed

Conduct Public Hearing

Consider Annexation Ordinance

Recommendation

Staff recommends that Council move to Pass the Annexation Ordinance as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Ordinance
- B Cost Benefit Summary
- C Location Map



Staff Report

Voluntary Annexation Petition - New Beginnings Child Care Center-3.10 acres

Introduction

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

The 3.10 acre property is located in the Carolina Forest area at the corner of Carolina Forest Blvd and Terry Lee Lanier Drive. The property is the site of a 14,533 square feet childcare facility, which has been issued a 90 day certificate of occupancy. A site plan for the facility was approved October 22, 2010, with driveway access only on Terry Lee Lanier Drive. The facility is paying outside City water and sewer rates until the property is fully annexed into the City.

Procedural History

- November 9, 2011 – Adopted a Resolution directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- November 22, 2011 – Adopted Resolution scheduling a future Public Hearing.
- December 6, 2011 – Conduct a Public Hearing and Council consideration of the Annexation Ordinance.
- December 6, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- NBI Financial III, LLC – Jody and Cheryl Cavanaugh- owner/petitioners
- Citizens of Jacksonville

Financial Analysis:

The annexation area does not require significant infrastructure investment on the City's behalf. The financial analysis is based on the 14,533 square feet childcare facility currently open and operating on the site. The financial analysis shows a positive net cash flow over the five year review period.

Fire Station #4 in the Jacksonville Commons area will be able to provide service; however, it should be noted, that the area of the proposed Carolina Forest developments is outside of the Insurance Services Office (ISO) recommended 1.5-mile road miles from the first due engine-company. This has the potential to adversely affect future ISO ratings for the city. As this area is developed, we anticipate an increase in the number of calls for service in the area with response times greater than 5-minutes, requiring an additional fire station in the Western Blvd. Extension/Gum Branch Road area.

Options

Adopt the Annexation Ordinance: **RECOMMENDED.**

Pros: Pros: The site is contiguous to the current corporate limits, is commercially developed; and is receiving City water and sewer services.

Cons: None

Deny the Annexation Ordinance:

Pros: None

Cons: This would conflict with past actions associated with annexation of commercially developed sites; the petitioners would need to apply for an Out of City Sewer Service Agreement to continue to receive services.

Defer Consideration of the Annexation Petition:

- Should Council desire additional information related to this voluntary annexation request, defer the request and provide direction to staff on the specific information Council would like to receive.

ORDINANCE (2011-)

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF JACKSONVILLE, NORTH CAROLINA**

**NEW BEGINNINGS CHILD CARE CENTER- 200 TERRY LEE LANIER DRIVE
CAROLINA FOREST AREA
3.10 ACRES**

WHEREAS, the City Council has been petitioned under G. S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of the annexation was held at the Jacksonville City Hall at 7 o'clock, P.M. on the 6th day of December 2011, after due notice of publication on the 26th day of November, 2011, and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made a part of the City of Jacksonville:

Beginning at an "X" cut in the curb at the intersection of the eastern right of way of Carolina Forest Boulevard with the southern right of way of Terry Lee Lanier Drive as shown on a map recorded in Map Book 56 Page 177; thence from said beginning and along a curve to the right having a radius of 1540.00', a chord bearing of S 01°08'05" W, a chord length of 386.32' to a PK Nail in the paved walk; Thence leaving said right of way S 84°21'35" E a distance of 312.09' to an iron stake; Thence N 05°38'25" E a distance of 410.29' to a point on the southern right of way of Terry Lee Lanier Drive; Thence N 78°37'07" W a distance of 198.50' to the PC of a curve to the left; Thence with the curve to the left with a radius of 170.00', a chord bearing of N 88°15'47" W, a chord length of 56.96' to the PT of said curve; Thence S 82°05'33" W a distance of 75.30' to the PC of a curve to the left; Thence with the curve to the left having a radius of 20.00', a chord bearing of S 38°00'24" W, and a chord length of 27.83' to the point of beginning. Containing 3.10 acres by coordinate computation. Being all of Tract 2 per Map Book 56 Page 177 and Deed Book 3382 Page 383. This description was written from record data without a field boundary survey being performed this date.

Section 2. Upon and after the 6th day of December 2011, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Jacksonville and shall be entitled to the same privileges and benefits as other parts of the City of Jacksonville. Said territory shall be subject to municipal taxes according to G. S. 160A-58.10.

Attachment

A

Section 3. The Mayor of the City of Jacksonville shall cause to be recorded in the Office of the Register of Deeds of Onslow County, and in the Office of the Secretary of State, Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted by the City Council of the City of Jacksonville in regular session this 6th day of December 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

**City of Jacksonville
Annexation Analysis
Total Cost-Benefit Summary**

11/10/2011

New Beginnings Child Care Center

Project includes one child care center.

Fiscal Year*	Fiscal Year*	Fiscal Year*	Fiscal Year*	Fiscal Year*	Fiscal Year*	5 Year
2012	2013	2014	2015	2016	2016	Total

Section 1: Total Revenues

Property Taxes	\$9,201	\$9,201	\$9,201	\$9,201	\$9,201	\$46,003
Sales Tax	\$3,369	\$3,369	\$3,369	\$3,369	\$3,369	\$16,847
Powell Bill (Gas Tax)	\$0	\$0	\$0	\$0	\$0	\$0
Utility FranchiseTax	\$0	\$0	\$0	\$0	\$0	\$0
Business Tax	\$25	\$25	\$25	\$25	\$25	\$125
Water Revenues	\$906	\$906	\$906	\$906	\$906	\$4,532
Sewer Revenues	\$1,532	\$1,532	\$1,532	\$1,532	\$1,532	\$7,659
Stormwater Revenues	\$276	\$276	\$276	\$276	\$276	\$1,378
Total Estimated Revenues	\$15,309	\$15,309	\$15,309	\$15,309	\$15,309	\$76,544
Discounted Revenues	\$15,309	\$14,650	\$14,019	\$13,415	\$12,837	\$70,230

Section 2: Total Expenditures

Police	\$1,955	\$2,014	\$2,074	\$2,137	\$2,201	\$10,381
Fire	\$0	\$0	\$0	\$0	\$0	\$0
Water	\$1,221	\$1,257	\$1,295	\$1,334	\$1,374	\$6,481
Sewer	\$1,072	\$1,104	\$1,137	\$1,172	\$1,207	\$5,692
Transportation	\$0	\$93	\$93	\$93	\$93	\$372
Solid Waste	\$0	\$0	\$0	\$0	\$0	\$0
Parks and Recreation	\$0	\$0	\$0	\$0	\$0	\$0
Stormwater	\$449	\$449	\$454	\$459	\$464	\$2,277
Streets, Streetlights, Mosquito Control	\$16	\$16	\$16	\$17	\$17	\$82
Total Estimated Expenditures	\$4,713	\$4,934	\$5,071	\$5,211	\$5,356	\$25,285
Discounted Expenditures	\$4,713	\$4,721	\$4,643	\$4,567	\$4,491	\$23,136

Total Discounted Net Revenues (Expenditures)	\$10,596	\$9,928	\$9,375	\$8,848	\$8,346	\$47,094
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*Fiscal Year runs from July 1 through June 30 of the year listed.

Equivalent Police Officers Required	0.020	0.020	0.020	0.020	0.020	0.020
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The City's ISO Rating is Class 3 (70.98).

This annexation's potential affect on this rating:

Same	-	If New Station is not Built and Manned
Better	-	If New Station is not Built and Manned
Worse	X	If New Station is not Built and Manned

Attachment

B

**City of Jacksonville
Annexation Analysis
General Government Revenue Summary Sheet**

11/10/2011

**New Beginnings
Child Care Center**

**Fiscal Year
2012**

**Fiscal Year
2013**

**Fiscal Year
2014**

**Fiscal Year
2015**

**Fiscal Year
2016**

**5 Year
Total**

Revenue Source

Property Taxes

\$9,201

\$9,201

\$9,201

\$9,201

\$9,201

\$46,003

Sales Tax

\$3,369

\$3,369

\$3,369

\$3,369

\$3,369

\$16,847

Powell Bill (Gas Tax)

\$0

\$0

\$0

\$0

\$0

\$0

Utility FranchiseTax

\$0

\$0

\$0

\$0

\$0

\$0

Business Tax

\$25

\$25

\$25

\$25

\$25

\$125

**Total Estimated
Revenues**

\$12,595

\$12,595

\$12,595

\$12,595

\$12,595

\$62,975

<div> <div>City of Jacksonville Annexation Analysis</div> <div>11/10/2011</div> </div>						
New Beginnings Child Care Center	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Total
Section 1: Real Property Calculations						
	\$1,768,150	\$1,768,150	\$1,768,150	\$1,768,150	\$1,768,150	\$8,840,750
Section 2: Personal Property Calculations						
<i>Number of Dwellings</i>	0	0	0	0	0	
<i>Average Number of Cars Per Dwelling</i>	1.6	1.6	1.6	1.6	1.6	
<i>Number of Cars</i>	0	0	0	0	0	
<i>Average Value Per Car</i>	\$7,930	\$8,089	\$8,250	\$8,415	\$8,584	
Total Personal Property	\$0	\$0	\$0	\$0	\$0	\$0
Section 3: Total Tax Calculations						
Total Tax Value	\$ 1,768,150	\$ 1,768,150	\$ 1,768,150	\$ 1,768,150	\$ 1,768,150	
Tax Rate per \$100 valuation	0.5380	0.5380	0.5380	0.5380	0.5380	
Total Tax Levy	\$ 9,513	\$ 9,513	\$ 9,513	\$ 9,513	\$ 9,513	
Collection Rate	0.9672	0.9672	0.9672	0.9672	0.9672	
Total Estimated Tax Revenue	\$9,201	\$9,201	\$9,201	\$9,201	\$9,201	\$46,003

<div> <div>City of Jacksonville</div> <div>Annexation Analysis</div> </div>						
						11/10/2011
New Beginnings Child Care Center	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Total
Section 1: Sales Tax Calculations						
<i>Sales Tax Revenue Per 1,000 Residents</i>	\$57,083	\$57,768	\$58,461	\$59,163	\$59,872	
<i>Parcel Population</i>	0	0	0	0	0	
<i>Sales Tax Revenue Per \$1,000 Property Tax</i>	0.3542	0.3542	0.3542	0.3542	0.3542	
<i>Parcel Levy</i>	9513	9513	9513	9513	9513	
Total Sales Tax Revenue	\$3,369	\$3,369	\$3,369	\$3,369	\$3,369	\$16,847
Section 2: Gas Tax Calculations (Powell Bill)						
<u>75% Allocation Based on Per Capita Population</u>						
<i>Per Capita Reimbursement Rate</i>	\$20	\$20	\$21	\$21	\$22	
<i>Parcel population</i>	0	0	0	0	0	
<i>Subtotal for Per Capita</i>	\$0	\$0	\$0	\$0	\$0	\$0
<u>25% Allocation Based on Non-State Street Miles</u>						
<i>Reimbursement Rate per Street Mile</i>	\$1,571	\$1,618	\$1,667	\$1,717	\$1,768	
<i>Number of Non-State Street Miles</i>	0	0	0	0	0	
<i>Subtotal for Street Miles</i>	\$0	\$0	\$0	\$0	\$0	\$0
Total Gas Tax Calculations	\$0	\$0	\$0	\$0	\$0	\$0
Section 3: Utility Tax Calculations						
<i>Utility Tax Per 1000 Residents</i>	\$39,179	\$40,355	\$41,565	\$42,812	\$44,097	
<i>Parcel Population</i>	0	0	0	0	0	
Total Utility Tax Calculations	\$0	\$0	\$0	\$0	\$0	\$0
Section 4: Business Fee Calculations						
	\$25	\$25	\$25	\$25	\$25	\$125
Total Revenues	\$3,394	\$3,394	\$3,394	\$3,394	\$3,394	\$16,972

<div> <div>City of Jacksonville</div> <div>Annexation Analysis</div> <div>Police Cost Worksheet</div> </div>						
						11/10/2011
New Beginnings Child Care Center						
Section 1: Descriptive Data						
Number of Authorized Sworn Officers	City Population	City Square Mileage	Average Personnel Costs	Average Operating Cost	Average Capital Cost	Total Officer Cost
119	77,343	54.85	\$69,505	\$24,831	\$3,230	\$97,567
Section 2: Ratios						
Average Number of Square Miles Per Sworn Officer	0.46	Jacksonville Actual		0.42	National Standard	
Average Number of People Per Sworn Officer	649.94	Jacksonville Actual		313	National Standard	
Average Number of Calls for Service Per Sworn Officer	891.87	Jacksonville Actual		604.00	National Standard	
Average Number of Commercial Buildings Per Sworn Officer	11.31	Jacksonville Actual		12.70	National Standard	
Average Number Homes Per Sworn Officer	97.83	Jacksonville Actual		171.50	National Standard	
Section 3: Average Total Cost Per Officer						
	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	5 Year
	2012	2013	2014	2015	2016	Totals
Average Cost Per Officer	\$97,567	\$100,494	\$103,509	\$106,614	\$109,812	\$517,996
Factor for E-911 Employees (4%)	\$1,265	\$1,303	\$1,342	\$1,383	\$1,424	\$6,718
Average Total Cost Per Officer	\$98,832	\$101,797	\$104,851	\$107,997	\$111,237	\$524,714
Section 4: Five-Year Parcel Data						
	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	
	2012	2013	2014	2015	2016	
Square Mileage	0.005	0.005	0.005	0.005	0.005	
Commercial Buildings	1	1	1	1	1	
Population	0	0	0	0	0	
Complaints	0.00	0.00	0.00	0.00	0.00	
Homes	0	0	0	0	0	
Section 5: Five-Year Cost Projection						
	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	5 Year
	2012	2013	2014	2015	2016	Totals
Per Square Mile	\$1,039	\$1,070	\$1,102	\$1,135	\$1,169	\$5,514
Per Commercial Building	\$8,738	\$9,000	\$9,270	\$9,548	\$9,834	\$46,390
Per 1,000 Population	\$0	\$0	\$0	\$0	\$0	\$0
Per # Complaints	\$0	\$0	\$0	\$0	\$0	\$0
Per # Homes	\$0	\$0	\$0	\$0	\$0	\$0
Section 5: Total Police Estimate						
<i>(Higher of Values in Section 5)</i>	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	5 Year
	2012	2013	2014	2015	2016	Totals
New Beginnings Child Care Center	\$1,955	\$2,014	\$2,074	\$2,137	\$2,201	\$10,381
Equivalent Officers Needed	0.020	0.020	0.020	0.020	0.020	0.020

City of Jacksonville Annexation Analysis Fire Cost Worksheet					
					11/10/2011
New Beginnings Child Care Center	Infill Development		No Cost	yes	
Section 1: Descriptive Data					
Number of Fire Stations	City Population	City Square Mileage	Total Department Cost	ISO Max. Sq. Mi. to Service	Square Miles of Annexation Proposal
4	77,343	54.85	\$6,144,050	7.065	0.005
SCENARIO I					
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<i>If VFD present in annexation area, then one of four things can happen:</i>					
1.) The City can enter into a contract with the VFD and allow them continue servicing the area with fire protection					
Total Cost to City if enter into contract with VFD	\$0	\$0	\$0	\$0	\$0
2.) The City can take over service of the annexation area with an existing station and pay a portion of the VFD's debt service.					
Portion of cost to operate existing station	\$0	\$0	\$0	\$0	\$0
Portion of the VFD's debt service owed by City	\$0	\$0	\$0	\$0	\$0
Total cost to City if servicing with existing station	\$0	\$0	\$0	\$0	\$0
3.) The City can take over service of the annexation area with a new station and pay a portion of the VFD's debt service.					
Portion of cost to build new station	\$0	\$0	\$0	\$0	\$0
Portion of the VFD's debt service owed by City	\$0	\$0	\$0	\$0	\$0
Total cost to City if servicing with new station	\$0	\$0	\$0	\$0	\$0
4.) No Fire District Tax Exists and the City can make an in-kind contribution.					
Total cost to City for in-kind contribution	\$0	\$0	\$0	\$0	\$0
SCENARIO II					
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<i>If no VFD in annexation area, then one of two things can happen:</i>					
1.) The City can take over service of the area with an existing station.					
Total cost to City if servicing with existing station	\$0	\$0	\$0	\$0	\$0
2.) The City can take over service of the area with a new station.					
Total cost to City if servicing with new station	\$ -	\$ -	\$ -	\$ -	\$ -
<i>(Higher of Values in Scenario I and II)</i>					
TOTAL FIRE COST FOR ANNEXATION	\$ -	\$ -	\$ -	\$ -	\$ -
The City's ISO Rating is Class 3 (70.98).					
This annexation's potential affect on this rating:					
Same		If New Station is not Built and Manned			
Better		If New Station is not Built and Manned			
Worse	X	If New Station is not Built and Manned			

**City of Jacksonville
Annexation Analysis
Water Worksheet**

11/10/2011

New Beginnings Child Care Center

Section 1: Descriptive Data	Cumulative Miles of Line Installed	Size of Meter	Parcel Acreage	Zoning	Average Cost/Sq Mile	Sq Mileage
	0.00	1.00	3.10	1	\$252,020	0.0048

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 2: Estimated Operating Expenses						
Average cost for annexation area	\$1,221	\$1,257	\$1,295	\$1,334	\$1,374	
Costs of reimbursement	\$0	\$0	\$0	\$0	\$0	
Debt Retirement for infrastructure improvements made by the City to support the annexation	\$0	\$0	\$0	\$0	\$0	

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 3: Revenues						
Fixed charges						
apply appropriate rate by meter size	\$470	\$470	\$470	\$470	\$470	
Volume charges						
volume rate x total per 1,000 gallons x 12 months	\$436.79	\$436.79	\$436.79	\$436.79	\$436.79	
Facility Charge (one time fee)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	

Annexation Costs	\$1,221	\$1,257	\$1,295	\$1,334	\$1,374	
Annexation Revenues	\$906	\$906	\$906	\$906	\$906	
Net Gain (or Loss) from Annexation	(314)	(351)	(389)	(428)	(468)	

City of Jacksonville Annexation Analysis Sewer Worksheet						
						11/10/2011
New Beginnings Child Care Center						
	Cumulative Miles of Line Installed	Size of Meter	Parcel Acreage	County	Average Cost/Sq Mile	Sq Mileage
Section 1: Descriptive Data	0.00	1.00	3.10	1	\$221,342	0.0048
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 2: Estimated Operating Expenses						
Average cost for annexation area	\$1,072	\$1,104	\$1,137	\$1,172	\$1,207	
Costs of reimbursement						
Debt Retirement for infrastructure improvements made by the City to support the annexation	\$0	\$0	\$0	\$0	\$0	
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 3: Revenues						
Fixed charges						
apply appropriate rate by meter size	\$975	\$975	\$975	\$975	\$975	
Volume charges						
volume rate x total per 1,000 gallons x 12 months	\$557	\$557	\$557	\$557	\$557	
Industrial Surcharges						
BOD Charges	\$0	\$0	\$0	\$0	\$0	
SS Charges	\$0	\$0	\$0	\$0	\$0	
Facility Charge (one time fee)	\$0	\$0	\$0	\$0	\$0	
Annexation Costs	\$1,072	\$1,104	\$1,137	\$1,172	\$1,207	
Annexation Revenues	\$1,532	\$1,532	\$1,532	\$1,532	\$1,532	
Net Gain (or Loss) from Annexation	460	428	394	360	325	

**City of Jacksonville
Annexation Analysis
Transportation Cost Worksheet**

							#####
New Beginnings Child Care Center							
		Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	
	Acreage at Build-out	2012	2013	2014	2015	2016	Total
Residential Development	0	\$0	\$0	\$0	\$0	\$0	\$0
Commercial Development	3.1	\$0	\$93	\$93	\$93	\$93	\$372
Industrial Development	0	\$0	\$0	\$0	\$0	\$0	\$0
TIA Estimated Costs		\$0					\$0
Computer Signal System Costs		\$0					\$0
FIVE YEAR TRANSPORTATION COSTS FOR ANNEXATION		\$0	\$93	\$93	\$93	\$93	\$372

**City of Jacksonville
Annexation Analysis
Solid Waste Cost Worksheet**

11/10/2011

**New Beginnings Child
Care Center**

**Section 1: Descriptive
Data**

**Single
Dumpster
Cost/Year**

**Single
Family Trash
Removal
Cost/Year**

**Single
Family Free
Small
Recycling
Bin Per Unit**

**Single
Family Free
Refuse
Container
per Unit**

**Commercial
Unit Trash
Removal
Cost/Year**

\$478

\$455

\$10

\$52

\$455

**Fiscal Year
2012**

**Fiscal Year
2013**

**Fiscal Year
2014**

**Fiscal Year
2015**

**Fiscal Year
2016**

**Section 2: Estimated
Yearly Solid Waste Costs**

Single Family Units

Solid Waste Removal

\$0

\$0

\$0

\$0

\$0

Recycling Containers

\$0

\$0

\$0

\$0

\$0

Refuse Containers

\$0

\$0

\$0

\$0

\$0

Multi-Family Unit Dumpsters

\$0

\$0

\$0

\$0

\$0

Commercial Units

\$0

\$0

\$0

\$0

\$0

TOTAL

\$0

\$0

\$0

\$0

\$0

Commercial Units use dumpsters which is a pass thru cost with no net impact to the City.

<div style="text-align: center;"> City of Jacksonville Annexation Analysis Parks and Recreation Cost Worksheet </div>					
					11/10/2011
New Beginnings Child Care Center					
Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	77,343	54.85	0.005	3.10	
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Parks and Recreational Costs					
Average cost per household per year	\$0	\$0	\$0	\$0	\$0

City of Jacksonville Annexation Analysis Stormwater Cost Worksheet					
					11/10/2011
New Beginnings Child Care Center					
Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	77,343	54.85	0.005	3.10	
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Stormwater Costs					
Residential - Average cost per sq mile (acreage)	\$0	\$0	\$0	\$0	\$0
Residential - Average cost per sq mile (streets)	\$0	\$0	\$0	\$0	\$0
Commercial - Average cost per sq mile (acreage)	\$174	\$174	\$179	\$184	\$189
Commercial - Average cost per sq mile (plan impervious surface)	\$276	\$276	\$276	\$276	\$276
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 3: Revenues					
Fixed charges					
Annual Charge per Home	\$0	\$0	\$0	\$0	\$0
Annual Charge per Business	\$276	\$276	\$276	\$276	\$276
Annexation Costs	\$449	\$449	\$454	\$459	\$464
Annexation Revenues	\$276	\$276	\$276	\$276	\$276
Net Gain (or Loss) from Annexation	(174)	(174)	(179)	(184)	(189)

**City of Jacksonville
Annexation Analysis
Streets, Street Lighting, Mosquito Control Cost Worksheet**

11/10/2011

New Beginnings Child Care Center

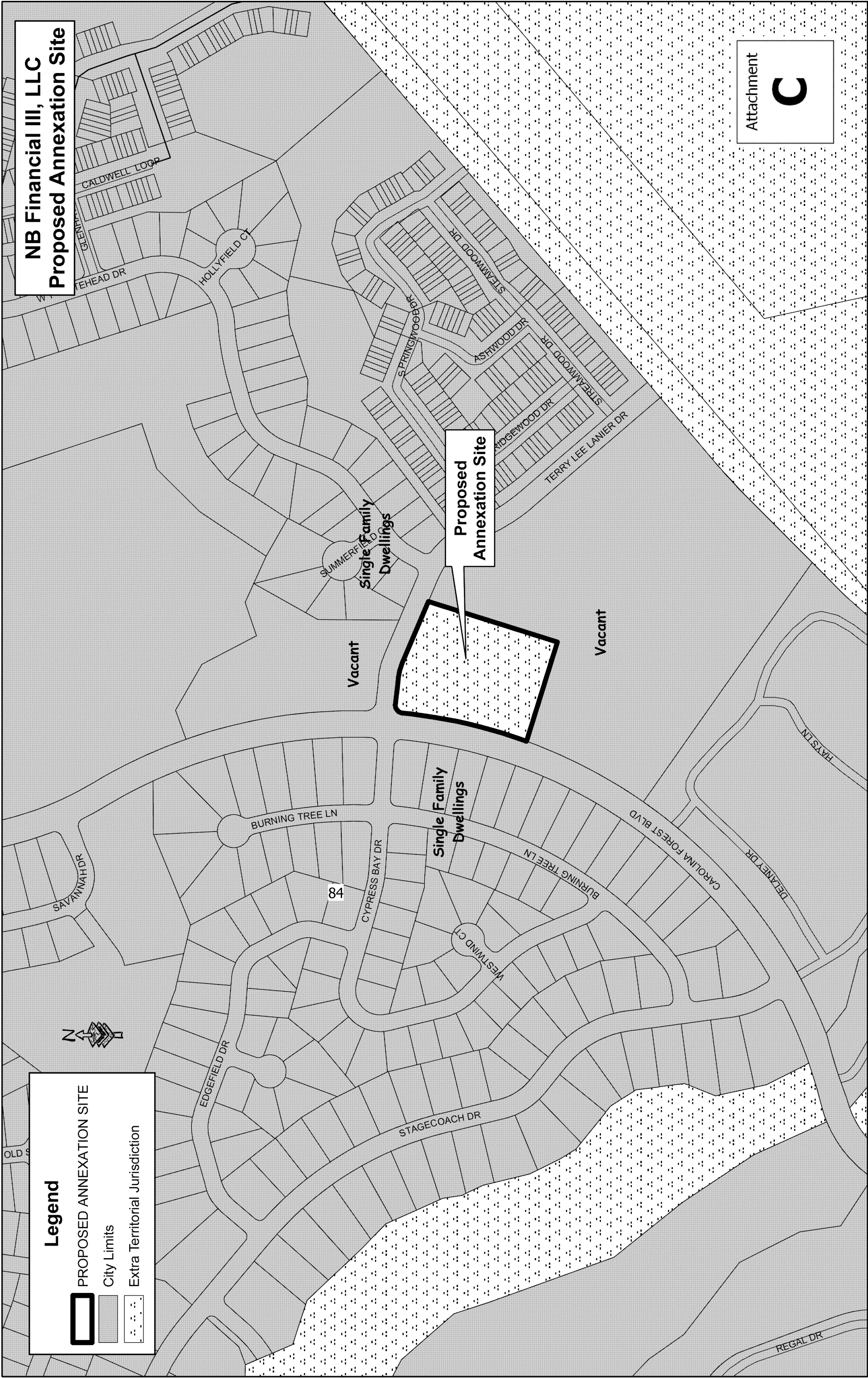
Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	77,343	54.85	0.005	3.10	

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Street Costs					
Miles of Streets Constructed	0	0	0	0	0
Average Cost of LF of Street	\$0	\$0	\$0	\$0	\$0

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 3: Street Lighting Costs					
Number of Street Lights Installed	0	0	0	0	0
Average Cost of Street Lighting	\$0	\$0	\$0	\$0	\$0

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 4: Mosquito Control					
Residential Average Cost Based On Acreage	\$0	\$0	\$0	\$0	\$0
Commercial Average Cost Based On Acreage	\$16	\$16	\$16	\$17	\$17

Annexation Costs	\$16	\$16	\$16	\$17	\$17





Request for City Council Action

Agenda Item:	4
Date:	12/6/2011

Subject: Public Hearing (*Quasi-Judicial*) – Special Use Permit and Site Plan – City of Jacksonville Center for Public Safety – Corner of Marine Boulevard and Court Street

Department: Development Services

Presented by: Ryan King, Planning Administrator

Presentation: Yes

Issue Statement

The City of Jacksonville has submitted a Special Use Permit and Site Plan application for a proposed 103,231 square foot Public Safety - Police Station and Fire Facility. The 6.49 acre development site is located at the southeast corner of Marine Boulevard and Court Street within the City limits. The property is zoned Office/Mixed Use (O/MU) and within this district Police Stations and Fire Facilities are a permitted use; however, due to the type of alternative bufferyard design, staff is requesting City Council authorize the deviation following a public hearing as a special use permit.

Financial Impact

None

Action Needed

Conduct a Public Hearing

Consideration of the Special Use Permit and Site Plan

Recommendation

City staff and the Planning Board recommend Council approve the Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the Staff Report.

Approved: ☒ City Manager ☐ City Attorney

Exhibits:

- A Special/Conditional Use Permit Worksheet
- B Draft Planning Board Minutes – November 14, 2011
- C TRC Comment Sheet
- D Transportation Assessment
- E Zoning and Land Use Map
- F Site Plan
- G Landscaping/Buferyard Plan



Staff Report

Public Hearing (*Quasi-Judicial*) – Special Use Permit and Site Plan – City of Jacksonville
Center for Public Safety – Corner of Marine Boulevard and Court Street

Introduction

The City of Jacksonville has submitted a Special Use Permit and Site Plan application for a proposed 103,231 square foot Public Safety - Police Station and Fire Facility. The 6.49 acre development site is located at the southeast corner of Marine Boulevard and Court Street within the City limits. The property is zoned Office/Mixed Use (O/MU) and within this district Police Stations and Fire Facilities are a permitted use; however, due to the type of alternative bufferyard design, staff is requesting City Council authorize the deviation following a public hearing as a special use permit.

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Procedural History

- On February 19, 2005 City Council discussed the need for an expanded, renovated or new Public Safety Building, which had been a topic of the FY 04/05 Budget discussions. Staff reported that the initial phase for a Space Needs Analysis for Public Safety was underway.
- On June 27, 2005 City Council allocated \$50,000 at this time to begin the process. The project was included in the City's Long Range Planning Document, which was the precursor to the current Capital Improvement Plan (CIP).
- On February 7, 2006 James Stumbo, Consultant provided City Council with a detailed report of the completed Space Needs Analysis for the Center for Public Safety. The report also included cost estimates, schematic designs, and acreage needed for expansion/construction. Renovating the current building was not recommended. Best recommended options included constructing a combined joint facility or two separate facilities. A joint facility was expected to save approximately \$500,000.
- On July 25, 2006 City Council conducted a workshop to review the components of the proposed site selection process for the project along with the priorities and criteria needed for the site.
- On October 24, 2006 City Council conducted a workshop to discuss in detail the site selection process including committees along with the listed priorities and criteria for

the site. By consensus, Council directed staff to move forward with the process to include the following amendments to the priorities: 1) The Downtown area to be listed as a high priority area, 2) That future expansion capabilities of the site be moved from a low priority to a high priority.

- On August 21, 2007 City Council appointed members to the site selection committee.
- On January 29, 2008 City Council conducted a workshop where the Citizens Advisory Site Selection Committee provided a detailed review of the sites studied along with pros and cons. The Committee recommended the Onslow Inn site. The Downtown site also met the criteria but had been discarded due to the environmental contamination issues. In terms of a future site for this project, Council expressed an interest in receiving more information on the extent of the contamination in the Downtown.
- On March 25, 2008 City Council conducted a workshop and Mr. Jim Stumbo, the City's consultant/design engineer provided a detailed overview of the project along with design options for the Downtown properties, if acquired. The City Manager reported on the possibility of State assistance and help with funding the cleanup of the environmental issues on the Downtown sites. Council agreed to staff obtaining preliminary cost estimates to purchase the Downtown properties.
- On May 8, 2008 the City Manager advised that based on Council direction to date, staff was taking the steps necessary to acquire the property and to initiate a Phase I environmental review (via Management Report).
- On June 17, 2008 City Council adopted the FY 08/09 budget which included sufficient reservation of General Fund revenue to fund debt service necessary to support completion of the Public Safety Project consistent with the adopted Capital Improvement Plan.
- On June 25, 2008 City Council conducted a workshop and Mr. Scott Stupak, NC Dry Cleaning Solvent Clean-Up Program, NCDENR, provided a review of the environmental remediation for the proposed building sites along with the Division's mission to assist with the cleanup and costs. When asked about next steps, the City Attorney reported that the Phase I environmental reviews were in progress and a couple of properties would most likely need Phase II environmental assessments. The City Manager reported that at the point property acquisition began; staff would be moving forward with the selection process for a design architect as well as demolition and clearing contracts. This would allow the State's Solvent Cleanup Program to come in and begin their remediation.
- On July 22, 2008 City Council discussed property acquisition in closed session, no action was taken.
- On October 21, 2008 City Council discussed property acquisition in closed session. Council announced in open session afterward that Council had directed the City

Attorney to move forward to acquire the ten properties for the Public Safety Complex project for the appraised amounts.

- On March 3, 2009 City Council directed staff to enter into negotiations with Gantt Huberman for the design of the Center for Public Safety.
- On October 7, 2011, the City of Jacksonville submitted an application for this Special Use Permit and Site Plan.
- On November 14, 2011 the Planning Board recommended approval conditioned upon the items identified within Exhibit C - TRC comment sheet.
- On December 6, 2011 City Council will conduct a public hearing and consider this request.

The Procedural History above, while extensive, is not exhaustive. This project has been discussed a number of times in other settings including Council planning retreats and workshops that resulted in no change in Council direction.

Stakeholders

- City of Jacksonville – Owner/Applicant
- Gantt Huberman Architects – Owner’s Agent
- Bulla Smith Design Engineering – Engineering Firm hired by Gantt Huberman Architects to prepare the Special Use Permit and Site Plan.
- Adjacent property owners – Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing conducted by City Council. Furthermore, have been posted on site and legal ads published in the local newspaper.

Zoning Assessment

The property is located in the City Limits and is zoned Office/Mixed Use (O/MU). It is bordered to the north across Marine Boulevard by automobile sales and undeveloped property, zoned Business-1 (B-1); to the west across Court street by the County Parking lot and the Subway Restaurant, zoned O/MU; to the south across Chaney Avenue by offices, zoned Central Business District (CBD); and to the east (from north to south) by a Church, two single family dwellings and a church, all zoned O/MU.

CAMA Land Use Plan (2011) Assessment

The CAMA Plan represents a long range vision for community growth 20 to 30 years into the future. Created by staff, professional consultants and community stakeholders, the CAMA Plan is the most comprehensive depiction of future growth for the City and its ETJ. The CAMA Plan identifies the subject parcel as Mixed Use (MXD). The parcels to the North, across Marine Boulevard, are also designated as Mixed Use and are currently undeveloped. The parcels to the South and East are also designated Mixed Use and house a variety of public/ institutional and residential land uses. The parcels to the West, across Court Street, are also designated Mixed Use, and are currently used for Onslow County surface parking lots.

Mixed Use designations are intended for development that blends two or more of the following uses: residential, commercial, cultural and institutional. Mixed-use development should allow for greater variety and density, reduce distances between housing, workplaces, retail businesses and other destinations, encourages more compact development, strengthen neighborhood character, and promote pedestrian and bicycle friendly environments. MXD development can be vertically or horizontally integrated. However, horizontal MXD should ensure that the differing uses are located close enough that they are walkable and accessible in ways that the users are not dependent on independent auto travel.

Evaluation

Staff believes that the proposed project's land use is consistent with the CAMA FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the CAMA Land Use Plan.

Transportation Assessment

(See Exhibit D)

Parking Assessment

In accordance with Section 68, Office/Mixed Use, there are no minimum parking requirements in the OMU zoning district. The site plan identifies 331 parking spaces which includes 117 secure/police staff parking (includes 4 motorcycle spaces), 50 off-site spaces, 11 covered equipment spaces, 3 bus spaces and 15 are on-street.

Buffer Assessment

Section 115 of the City Zoning Ordinance requires a Type A buffer along the eastern property line of this development, adjacent to the two single family dwellings. This 30 foot buffer is reserved for the plantings of trees and shrubs to provide buffering/setbacks from unlike adjacent land uses. The applicant is requesting a 20 foot reduction based upon Section 115, G. Types of Screens, 3 Exceptions, a. Alternative Designs, which states: "Where proposed by the developing use, or where recommended by the Planning Division, and where such proposal or recommendation is acceptable to both parties, alternative designs may be provided in lieu of the specific requirements stated herein. Alternative

designs may include, but are not specifically limited to: v. Other alternative designs which will ensure the screening intent of these standards will be acceptable.

Bulla Smith Engineering and City staff are proposing that within the 300 feet of type A buffer (adjacent to 2 dwellings) the following be provided:

- 1) A 6 foot tall security fence (non-opaque) and/or the existing building wall;
- 2) That Leyland Cypress' (evergreen) be planted 5 foot on center;
- 3) That the Leyland Cypress will be a minimum of 6 foot tall at the time of planting;
- 4) That small shrubs be planted 5 foot on center; and
- 5) That the small shrubs will be a 3 gallons size or larger at the time of planting.

Sewer Flow Allocation Assessment

The proposed development qualifies as infill development under the City's adopted Sewer Allocation Policy. The proposed Center for Public Safety will use approximately 12,900 gallons per day (gpd) in accordance with the water usage calculations as set forth by the State of North Carolina 2T Regulations. In the development of this project the City has (or will) demolish buildings with water usage totaling approximately 11,700 gpd as shown in Table 1 below. Therefore, the additional sewer allocation needed for this project would be approximately 1,200 gpd. Sewer flow allocation for infill developments such as this project qualifies for Tier 1 status and may be approved by City staff if the site plan is approved.

Table 1: Water Usage Based on Type of Use for Buildings Demolished

Type of Use	Water Usage (gpd)*
Restaurant	1,800
Dry Cleaner	800
Retail/Office Space	1,500
Existing Police and Fire Facility	6,700
Bus Station	400
Storage/Service	500
Total	11,700

* Based on State of North Carolina 2T Regulations

Public Hearing Notification

Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing. Furthermore, signs have been posted on site and legal ads published in the local newspaper.

Merits of the Conditional/Special Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The property is zoned Office/Mixed Use (O/MU) and within this district Public Safety - Police Station and Fire Facilities are a permitted use; however, due to the type of alternative bufferyard design, staff is requesting City Council authorize the deviation following a public hearing as a special use permit.

- b. The application is complete;

Staff findings: The necessary applications, fees, special use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the proposed project's land use is consistent with the CAMA FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the CAMA Land Use Plan.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the Special use;

Staff findings: City staff has determined that the site plan does not meet all applicable standards and approval should be conditioned upon the following:

Conditions of the Special Use Permit/Site Plan:

All TRC Comments found in Exhibit C shall be adequately addressed prior to the issuance of a building permit.

- e. The proposed conditional/special use will not substantially injure the value of adjoining or abutting properties;

Staff findings: The property is located in the City Limits and is zoned Office/Mixed Use (O/MU). It is bordered to the north across Marine Boulevard by automobile sales and undeveloped property, zoned Business-1 (B-1); to the west across Court street by the County Parking lot and the Subway Restaurant, zoned O/MU; to the south across Chaney Avenue by offices, zoned Central Business District (CBD); and to the east (from north to south) by a Church, two single family dwellings and a church, all zoned O/MU.

- f. The proposed conditional/special use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: The property is located in the City Limits and is zoned Office/Mixed Use (O/MU). It is bordered to the north across Marine Boulevard by automobile sales and undeveloped property, zoned Business-1 (B-1); to the west across Court street by the County Parking lot and the Subway Restaurant, zoned O/MU; to the south across Chaney Avenue by offices, zoned Central Business District (CBD); and to the east (from north to south) by a Church, two single family dwellings and a church, all zoned O/MU.

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

A. Approve the Special Permit and Site Plan as presented.

- Pros: None.
- Cons: The proposed site plan does not meet all applicable City Standards.

B. Approve the Special Permit and Site Plan with conditions and the bufferyard deviation as presented: **(RECOMMENDED)**

- Pros: Allows the process to move forward while ensuring a site plan for staff review is submitted within a reasonable timeframe.
- Cons: None.

Conditions of the Special Use Permit and Site Plan:

All TRC Comments found in Exhibit C shall be adequately addressed prior to the issuance of a building permit.

C. Deny the Special Permit and Site Plan request.

- Pros: The proposed site plan does not meet all applicable City Standards.
- Cons: None.

D. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns that City Council may have.
- Cons: Deferral would cause unexpected delays for the applicant.

WORKSHEET FOR CONDITIONAL/SPECIAL USE PERMITS

Applicant: City of Jacksonville

Location: Corner of Marine Boulevard and Court Street (Parcel ID #'s 410-7, 410-8, 410-6, 410-5, 410-4, 420-192, 420-193, 410-10, 420-190, 420-191, 420-190.1, 420-187 and 420-186)

Proposed Use of Property: Public Safety - Police Station and Fire Facility

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Special/Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Special/Conditional use	Yes	No
e.	The proposed Special/Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Special/Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

___ The Special/Conditional Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE SPECIAL/CONDITIONAL USE PERMIT

motion to deny based on:

___ The Application is denied because, if completed as proposed, the development more probably than not: _____

___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

___ Will substantially injure the value of adjoining or abutting properties for the following reasons: _____

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit

A



Draft Planning Board Minutes – November 14, 2011

Agenda
Item: **4**

Public Hearing (*Quasi-Judicial*) – Special Use Permit and Site Plan – City of Jacksonville
Center for Public Safety – Corner of Marine Boulevard and Court Street

The City of Jacksonville has submitted a Special Use Permit and Site Plan application for a proposed 103,231 square foot Public Safety - Police Station and Fire Facility. The 6.49 acre development site is located at the southeast corner of Marine Boulevard and Court Street within the City limits. The property is zoned Office/Mixed Use (O/MU) and within this district Police Stations and Fire Facilities are a permitted use; however, due to the type of alternative bufferyard design, staff is requesting City Council authorize the deviation following a public hearing as a special use permit. The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

The property is located within the City limits and is zoned Office/Mixed Use (O/MU). It is bordered to the north across Marine Boulevard by automobile sales and undeveloped property, zoned Business One (B-1); to the west across Court Street by the County Parking lot and the Subway Restaurant, zoned O/MU; to the south across Chaney Avenue by offices, zoned Central Business District (CBD); and to the east (from north to south) by a Church, two single family dwellings and a church, all zoned O/MU.

As a courtesy, staff has notified the adjacent property owners that the Jacksonville Planning Board will be providing a recommendation on this development proposal. In addition, per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel will also be notified of the proposed public hearing conducted by City Council. Furthermore, signs will be posted on site and legal ads published in the local newspaper. City staff recommends the Planning Board move to approve the special use permit and site plan based on Findings of Facts A-G being found in the affirmative with conditions identified within the staff report.

The board raised some concerns over the closing of Mildred Avenue, excess parking on Ruth Street and parking in general. Mr. Keyes asked where the retention pond is on the site. Mr. King stated that underground retention devices were now being proposed. Ms. Wyrick asked for a timeline for projected completion on the construction. Mr. Jeff Smith stated that the bids would go out sometime late winter and once construction starts it should take eighteen months to complete. Ms. Joos had concerns regarding the size of the project.

Alfred Keyes moved to approve the special use permit and site plan based on Findings of Facts A-G being found in the affirmative with the conditions identified within the staff report. Danny Williams seconded the motion.

Exhibit

B

The motion to approve the special use permit and site plan based on Findings of Facts A-G being found in the affirmative with the conditions identified within the staff report was approved by the Board Members present. The motion was voted for by Vice Chairperson Sandra Wyrick, Pauline Joos, Alfred Keyes, Homer Spring, and Danny Williams and against by Theresa VanderVere.



TRC Comment Sheet

DATE: October 31, 2011 - Resubmittal
TYPE: SITE PLAN
FILE NUMBER: 11-90000056
FILE NAME: CENTER FOR PUBLIC SAFETY
APPLICANT: CITY OF JACKSONVILLE

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: RYAN KING

- 1) Rights of way need to be legally abandoned. **Condition that shall be met prior to the issuance of a building permit.**
- 2) Need to prepare and record a recombination plat which will bring all the parcels together into one. **Condition that shall be met prior to the issuance of a building permit.**
- 3) Title block (add the following information): mailing address, and telephone number of site developer, and property owner; date survey was made; any/all revision dates **(all plans)**.
- 4) **Existing Features Map Plan View:**

The following must be shown on all existing features maps, unless the information is deemed not necessary for the development proposal:

- A. data block with the following information: existing use of the property, number of units, percentage of site devoted to open space (vegetated areas); and the zoning of the property;
- B. Show all setbacks from the site property lines, the square footage, dimensions, and building height of any/all remaining buildings onsite; and
- C. Label the use of adjacent properties (more land uses other than just a church), indicating any traffic patterns (arrows in streets).

Exhibit

C

5) **Proposed Features Plan View:**

a) Site Data Block of Features (all applicable information is to be included in one block):

- existing use(s); **identify the uses per zoning code**
- number of parking spaces existing; (do not provide a breakdown of secure/unsecure) **As it is currently**
- number of parking spaces required; **0**
- number of compact car parking spaces allowed; (331 x 25% = 82)

Landscaping using Alternative Design

Marine Boulevard - Street Lawn (Minimum 8 feet in width) **Not just adjacent to parking lot**

- ☐ Linear Feet
- ☐ Large trees
- ☐ Large Shrubs
- ☐ Small Shrubs

Court Street - Street Lawn (Minimum 8 feet in width) **Not just adjacent to parking lot**

- ☐ Linear Feet
- ☐ Large trees
- ☐ Large Shrubs
- ☐ Small Shrubs

Southeast boundary Perimeter Lawn (Minimum 4 feet in width) **What areas make up this boundary?**

- ☐ Linear Feet
- ☐ Large trees
- ☐ Large Shrubs
- ☐ Small Shrubs

- b) sidewalks, walkways (**5' minimum width**);
- c) setbacks (show **all** MBL's);
- d) Add internal traffic flow patterns;
- e) Exterior lighting is prohibited in required bufferyard unless approved by Council, are you requesting this? The light poles shall be 14 feet or less in height. Luminaries shall be designed to "dark sky standard."
- f) Add buffering landscaping adjacent to police training room not as perimeter lawn (there is an hvac unit within this area which is not

identified). Alternative design being utilized without opaque fence and only 10 feet being provided. Evergreens are being provided 5 feet on center with a planting height of 6 feet, at minimum.

- g) proposed landscaped areas (dimensions – area in square feet, quantity and species of all trees, shrubs, ground cover, and other related materials), when required; Also, please refer to the proposed landscaping ordinance I will send via email to use as an “alternative design” as we discussed on the phone October 19, 2011. Request that a photo of what this alternative design will look like prior to the Planning Board meeting if at all possible.
- h) Building Elevations – Please describe the type of windows that will be used on the building and add a materials appendix page.
Update if additional information is needed.

Please resubmit 5 copies of the revised plans and a memo (5 copies) explaining the revisions made (similar to this memo). Plan revisions should be submitted as soon as possible.

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

Please label the plans with the address of 206 Marine Boulevard.

DEPARTMENT: Development Services
DIVISION: Public Services - Signs
PLAN REVIEWER:

No response provided by November 9th on the re-review.

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

CENTER FOR PUBLIC SAFETY

- 1) Address access to the public way per section 1024.6, NCBC for the secure area. Provide marked crosswalks, ramps, curb cuts, etc. for an accessible route to the public way.
 - a) Provide a marked crosswalk across traffic lanes for egress route leading to basketball court.

- b) The egress route from exits in secure area is leading through a landscape area. Provide an accessible route from these exits using curb cuts, ramps, sidewalks, etc. (The exit doors in question have the occupant numbers of 19, 66 and 6.)
-

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

Center for Public Safety

APPROVED 11/09/2011

Revisions may trigger additional comments.

DEPARTMENT: Public Services
DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

The revised plan for the Center for Public Safety stamped received October 31, 2011 is approved by the Public Works Section.

DEPARTMENT: NCDOT
PLAN REVIEWER:

No response provided by November 9th on the re-review.

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

Approved as submitted

DEPARTMENT: Progress Energy Carolinas Inc.
PLAN REVIEWER:

No response provided by November 9th on the re-review.

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

Public Safety Building
11-90000056

10/11 2011

Site plan show enclosure for two (2) refuse dumpsters at this location. Building will be approximately 56,000 square feet with over 150 people occupying the building at any given time. Approved with two (2) 8-yard refuse dumpsters with enclosure. Enclosure should be 22 feet in width and 12 feet in depth to accommodate the two dumpsters. Height of the fencing should be at least 6 feet or the height of the dumpsters whichever is greater. Proper door stops should be in place so that during the collection process the doors will remain open as well as when they are not in use the doors will stay closed.

Important Note:

Recycling is not mandatory. However, based on the number of people that will occupy this building and the number of items that are now ban from the landfill it is strongly recommended that the enclosure for the two (2) dumpsters be redesigned to house a third dumpster for recycling purposes or at the very least have one of the two dumpsters approved designated for recycling. The recycling dumpster will be provided by the City through the commercial dumpster contractor working for the City.

DEPARTMENT: Planning & Development Services
DIVISION: MPO Division
PLAN REVIEWER: Adrienne McTigue, 910.938.5073, amctigue@ci.jacksonville.nc.us

Project: Public Safety Complex
Project #: 11-90000058
Review Date: 10-19-11

Review Date: 11/08/11 on revised plans submitted 10/31/11

Approved as submitted.

TIA: TIA complete
Collector Street Plan: N/A
Bicycle and Pedestrian N/A

Comments:

- Wheel stops are necessary where parking abuts sidewalk less than 6 1/2' in width.
- The face of the wheel stop should be located 2 1/2' away from the front of the space.
- Provide handicap ramps, crosswalks, pavement markings and appropriate signage, particularly where egress is one way only.
- Provide access between building and sidewalk network.
- Vehicle parking is for various vehicles; please confirm if pull through or back up access.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER:

PROJECT NBR: PZPNBR
PROJECT DESC: CENTER FOR PUBLIC SAFETY

Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions, including radius	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	11-90000056	
	Approved during original submittal. No response provided by November 9th on the re-review.	

DEPARTMENT: Public Services
DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

Based upon our cursory review of the submitted information it appears that a Stormwater Permit is required for the submitted plan.

Because this project is funded by City funds it is required to be permitted by NCDWQ – Wilmington Regional Office.

TECHNICAL MEMORANDUM - DRAFT



To

Adrienne McTigue
Transportation Planner
City of Jacksonville, NC

From

Craig Scheffler, P.E.
HNTB North Carolina, P.C.

Cc

Bradley Reynolds, P.E.
HNTB North Carolina, P.C.

Subject

Draft Transportation Assessment
City of Jacksonville – Public Safety
Complex

Date

11/9/11

Transportation Assessment

HNTB North Carolina, PC was contracted by the City of Jacksonville to provide Traffic Impact Analysis (TIA) for the City's Public Safety Complex project located on the south side of US 17 Business (Marine Boulevard) near Murrill Circle. The draft TIA was prepared by HNTB and submitted to the City on December 17, 2009. A revised final TIA, containing an updated site plan and analysis scenarios, was submitted to the City on August 22, 2011.

The final TIA version used the Institute of Transportation Engineers *Trip Generation Manual* (8th Edition) to determine anticipated traffic volumes produced by the Public Safety Complex in the 2013 proposed build-out year. Table 1, below, indicates daily and peak hour traffic generation data produced in the TIA.

Table 1: Estimated Traffic Generation

ITE L.U.C.	Independent Variable	Time Period	Generation Rate	% Traffic IN	% Traffic OUT	TOTAL TRIPS		Total Trips Generated
						IN	OUT	
710 General Office Building	94,000 Sq. Ft.	Daily	13.53*	50%	50%	636	636	1,272
		AM Peak	1.90*	88%	12%	157	21	179
		PM Peak	1.96*	17%	83%	31	153	184
814 Specialty Retail	3,000 Sq. Ft.	Daily	55.33*	50%	50%	83	83	166
		AM Peak	N/A	N/A	N/A	N/A	N/A	N/A
		PM Peak	9.56*	45%	55%	13	16	29
		Daily	TOTALS	50%	50%	719	719	1,438
		AM Peak		88%	12%	157	21	179
		PM Peak		21%	79%	44	169	213

*- Average Rate of Equation-Based Calculation

Exhibit

D

As required by City of Jacksonville Zoning Ordinance Section 113 – Transportation Impact Analysis, a TIA was conducted for this proposed development. The final TIA evaluated the traffic impact of 94,000 square feet of general office space (using ITE Land Use Code 710 – General Office Building) and 3,000 square feet of retail development (using ITE Land Use Code 814 – Specialty Retail) on the adjacent street system. Four existing intersections were analyzed in the study, with impacts of the closure of Murrill Circle and realignment of Court Street to form a new intersection east of Murrill Circle also incorporated in the analysis.

The TIA analyzed 2010 existing conditions, along with 2013 build-out year Background and Build scenarios that included analyses with or without additional private development projects nearby (per direction of the City of Jacksonville). There were no significant development projects expected to be complete in the project study area by 2011 in the original draft study. However, since that time, the City of Jacksonville is anticipating background traffic increases in the project study area stemming from the County's Justice Complex, located to the south and west of the PSC project and from a private office building development located to the south of the project along Court Street. The Justice Complex is expected to be fully operational by 2013 and the private office building may be complete by that time.

The proposed site plan shows the construction of several access driveways to Court Street, Chaney Avenue and Mildred Avenue. In addition to the proposed driveway access points, the site plan concept also shows the following changes:

- Close existing Mildred Drive from Ruth Street to Murrill Circle
- Close Murrill Circle from Court Street to US 17/NC 24 (Marine Boulevard)
- Realign Court Street for new access connection (signalized) with Marine Boulevard
- Provide parallel parking along the realigned Court Street
- Eliminate full access driveway to existing City of Jacksonville Fire/EMS facility – provide a single multi-lane exit driveway for fire trucks/emergency vehicles along Marine Boulevard approximately 375 feet from new Court Street intersection

Necessary Improvements

Based on the estimated site traffic impacts on study area traffic operations, it is recommended that an exclusive northbound right-turn storage bay with at least 250 feet of storage and appropriate taper be constructed at the northbound realigned Court Street approach to U.S. 17/N.C. 24 Marine Boulevard. This exceeds existing storage bay capacity at the existing Murrill Circle approach. The site concept plan provided for the initial study only shows a single lane approach at the realigned intersection, with a bicycle lane and on-street parking lanes near the intersection approach. No other geometric changes are required to allow adequate peak hour operations of the new signal at Court Street and Marine Boulevard. For additional efficiency for turning movements, it is recommended that the northbound right-turn bay approach operate on an overlap signal phase with the westbound left-turn from Marine Boulevard.

No other study area intersection operations degrade with the addition of site-related traffic to a level where mitigation is necessary. Several other transportation-related improvements are recommended, based on the existing site concept plan:

- Install crosswalks at the Chaney Avenue/Court Street intersection at all four approaches.
- Install crosswalk and pedestrian signal heads at the future signalized intersection at Marine Boulevard and Court Street across the Court Street approach.
- Provide emergency vehicle pre-emption capability at intersection of Marine Boulevard and Court Street.

Tables 2A and 2B summarize the LOS results as reported in the final TIA.

**Table 2A. LOS and Delay (Seconds/Vehicle) Summary
Without Private Commercial Office Building Background Development**

Intersections	Time Period	2011 Existing		2013 No-Build		2013 Build		2013 Mitigated	
		LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Marine Boulevard and Murrill Circle/Court Street	AM	A	6.4	A	9.1	B	14.8	N/A	N/A
	PM	A	8.2	B	12.3	B	18.6	N/A	N/A
Court Street and Chaney Avenue*	AM	B	10.8	B	10.7	C	16.9	N/A	N/A
	PM	A	9.3	B	10.8	B	12.2	N/A	N/A
Mildred Avenue and Chaney Avenue*	AM	B	10.4	B	11.0	B	11.0	N/A	N/A
	PM	A	9.8	B	10.1	B	10.4	N/A	N/A
Mildred Avenue/Site Dr #2 and Ruth Street*	AM	A	9.4	A	9.5	A	8.5	N/A	N/A
	PM	A	8.7	A	8.7	A	8.6	N/A	N/A

N/A - Not Applicable, i.e. movement is non-existent or no improvements made

* - Worst-Case Stop-Controlled Critical Movement

**Table 2B. LOS and Delay (Seconds/Vehicle) Summary
With Private Commercial Office Building Background Development**

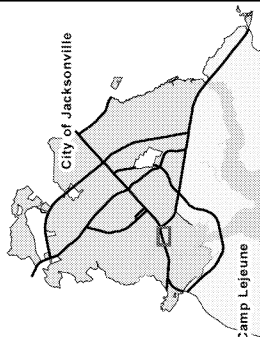
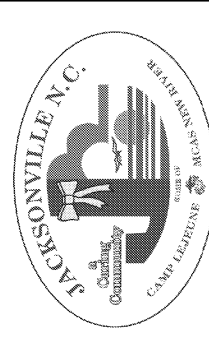
Intersections	Time Period	2013 No-Build		2013 Build		2013 Mitigated	
		LOS	Delay	LOS	Delay	LOS	Delay
Marine Boulevard and Murrill Circle/Court Street	AM	A	9.4	B	15.3	N/A	N/A
	PM	B	14.0	C	20.0	N/A	N/A
Court Street and Chaney Avenue*	AM	B	11.0	C	17.6	N/A	N/A
	PM	B	11.7	A	13.3	N/A	N/A
Mildred Avenue and Chaney Avenue*	AM	B	11.0	B	11.0	N/A	N/A
	PM	B	10.1	B	10.4	N/A	N/A
Mildred Avenue/Site Dr #2 and Ruth Street*	AM	A	9.5	A	8.5	N/A	N/A
	PM	A	8.7	A	8.6	N/A	N/A

N/A - Not Applicable, i.e. movement is non-existent or no improvements made

* - Worst-Case Stop-Controlled Critical Movement

In summary, existing traffic operations at the four study area intersections indicate that LOS and vehicular delays are acceptable (LOS D or better) for both AM and PM peak hours. The addition of background traffic growth and site traffic by 2013 will not cause any unacceptable traffic operations in any future scenario – with or without the proposed Jacksonville Public Safety Complex site and with or without the planned additional commercial office building development.

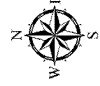
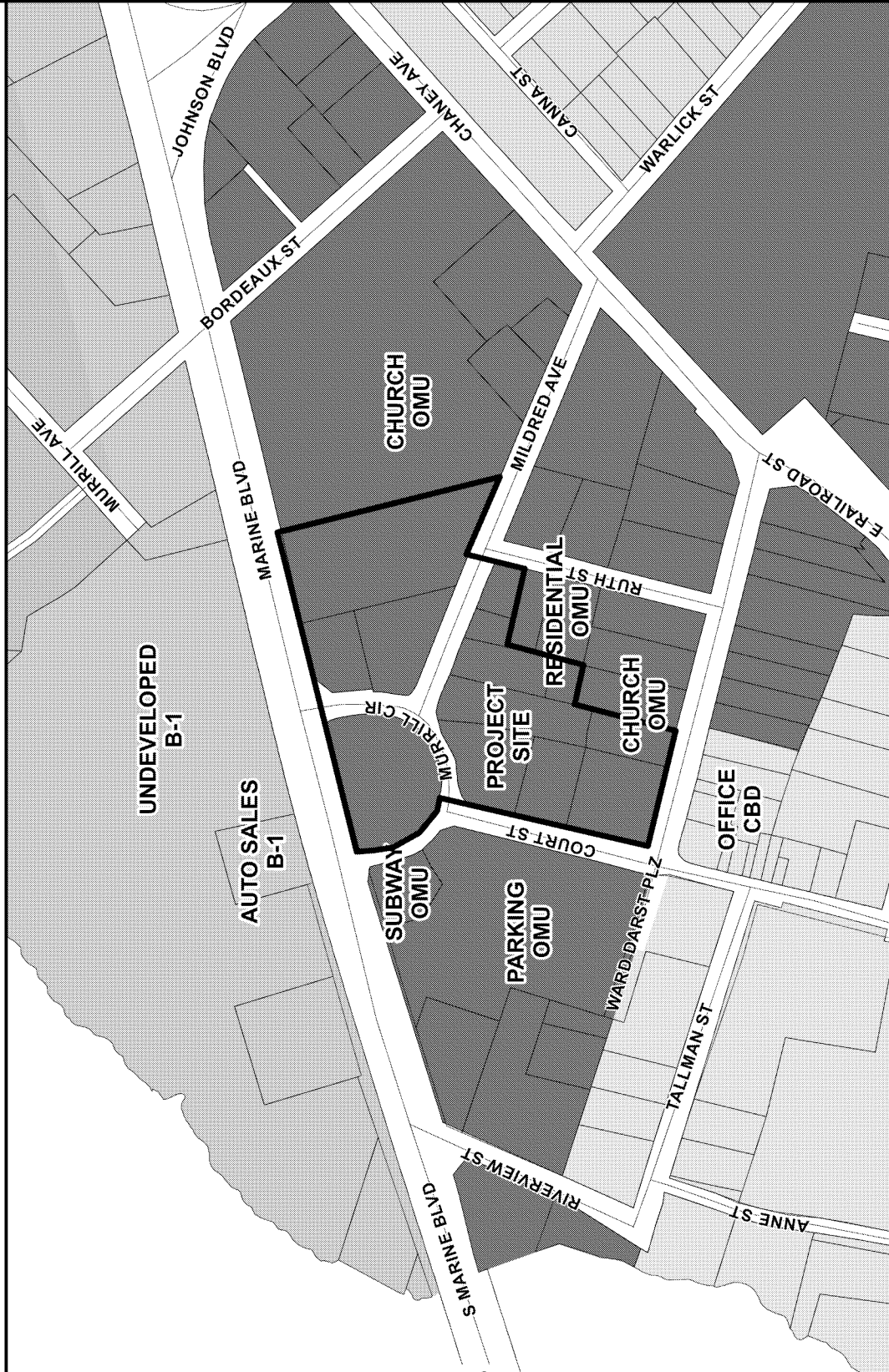
City of Jacksonville Center for Public Safety



Zoning TV Colors

Zones	IND	CU-B	B-1	CU-B-1	B-2	CU-B-2	O&I	CU-O&I	TCA	CU-TCA	CBD	OMU	NB	CU-NB	R-O	RA-20	CU-RA-20	RS-12	RS-10	R-7	RS-7	RS-6	RM-6	RS-5	RM-5	CU-RMS	RD-5	RD-3	CU-RD-3	MR
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Exhibit
E

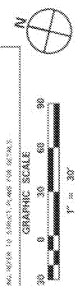


Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.

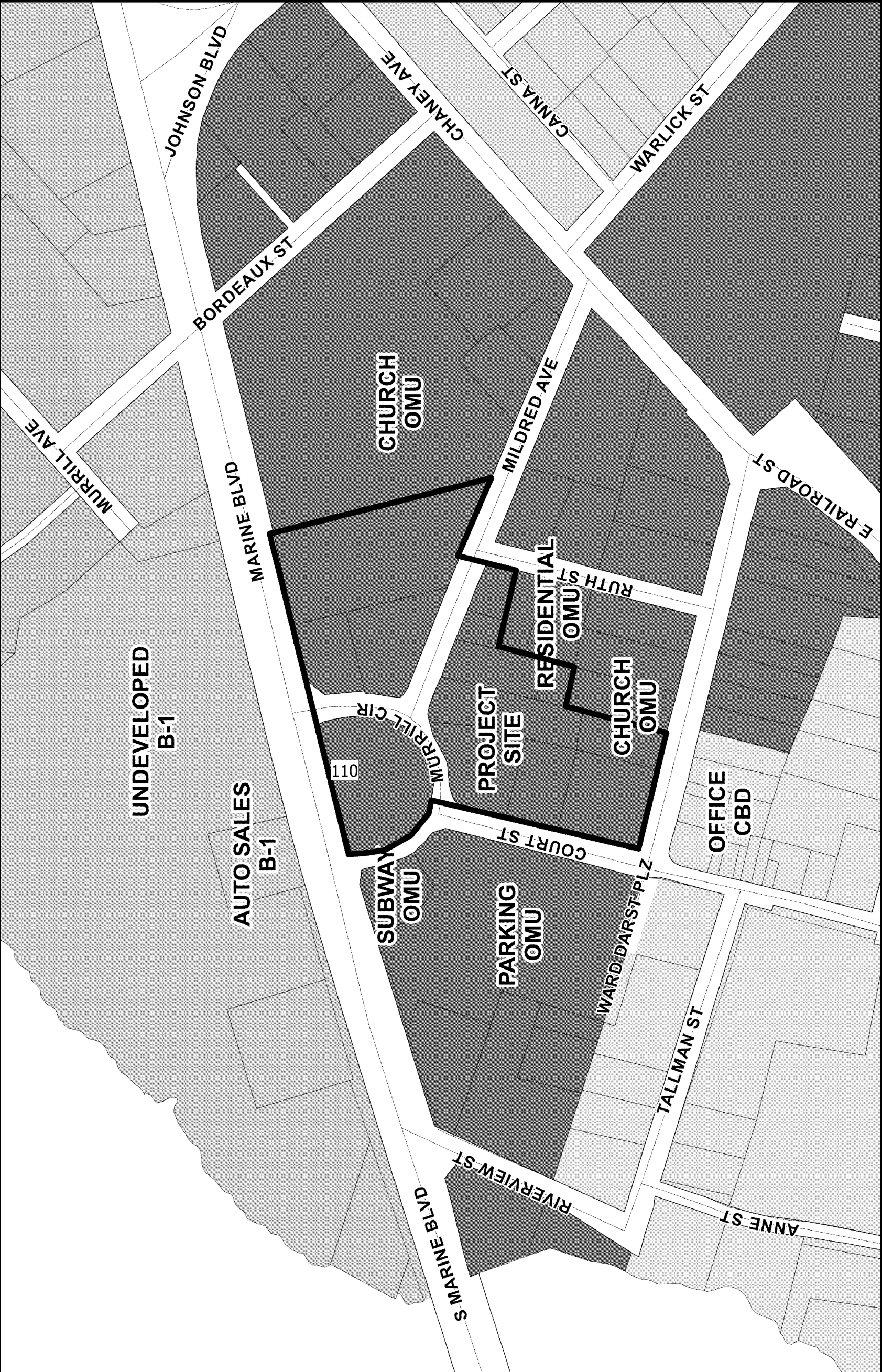
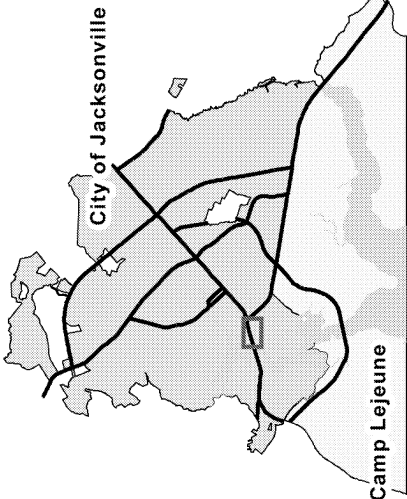
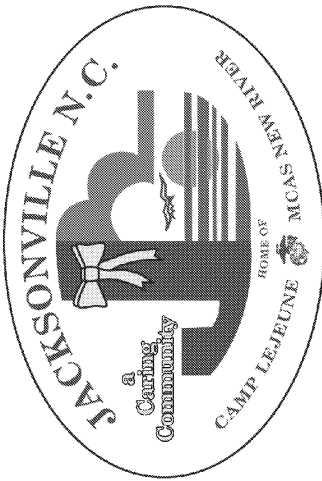


PARKING SUMMARY:	
STREET PARKING AREA	123
STREET	123
SUBMIT-TERMINAL PARKING	1
CONVENTION PARKING	7
ACCESSIBLE PARKING	4
MOTORCYCLE PARKING	3
ADDITIONAL BUS PARKING	208
TOTAL STREET PARKING	246
PUBLIC PARKING AREA	15
CONF OFF-STREET	15
VISITOR PARKING	15
ACCESSIBLE PARKING	15
ON-STREET PARKING	15
TOTAL PUBLIC PARKING	123
TOTAL ACCESSIBLE	15
TOTAL (PARKING ACCESSIBLE)	330

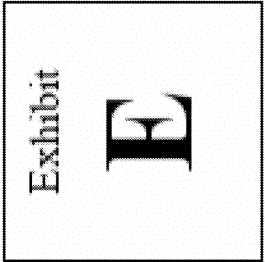
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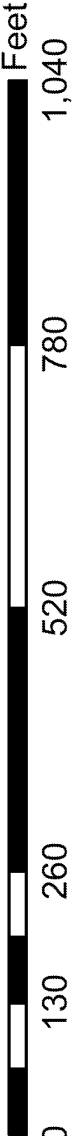
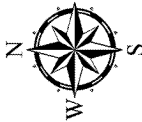
City of Jacksonville Center for Public Safety



Zoning TV Colors	
Zones	
IND	
CU-B	
B-1	
CU-B-1	
B-2	
CU-B-2	
O&I	
CU-O&I	
TCA	
CU-TCA	
CBD	
OMU	
NB	
CU-NB	
R-O	
RA-20	
CU-RA-20	
RS-12	
RS-10	
R-7	
RS-7	
RS-6	
RM-6	
RS-5	
RM-5	
CU-RM5	
RD-5	
RD-3	
CU-RD-3	
MR	



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.





Request for City Council Action

Consent
Agenda
Item: **5**
Date: 12/6/2011

Subject: Site Plan with Approved Conditional/Special Use Permit – Jacksonville Commons Park – 100 Recreation Loop
Department: Development Services
Presented by: Mary Sertell, Senior Planner
Presentation: No

Issue Statement

Parker and Associates on behalf of the City of Jacksonville is seeking approval of a Site Plan with an approved Conditional/Special Use Permit for a proposed 1,280 square foot expansion to the Jacksonville Commons Park facilities. The expansion includes a 1,110 square foot detached maintenance building for the Recreation Center and a 170 square foot addition to the concession stand adjacent to Commons Drive South.

Financial Impact

None

Action Needed

Consider the Site Plan with an approved Conditional/Special Use Permit

Recommendation

City staff and Planning Board recommend Council move to approve the Site Plan with approved Conditional/Special Use Permit without conditions.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Draft Planning Board Minutes- November 14, 2011
- B Zoning and Land Use Map
- C Site Plan



Staff Report

**Consent
Agenda
Item: 5**

Site Plan with Approved Conditional/Special Use Permit – Jacksonville Commons Park – 100 Recreation Loop

Introduction

Parker and Associates on behalf of the City of Jacksonville is seeking approval of a Site Plan with an approved Conditional/Special Use Permit for a proposed 1,280 square foot expansion to the Jacksonville Commons Park facilities. The expansion includes a 1,110 square foot detached maintenance building for the Recreation Center and a 170 square foot addition to the concession stand adjacent to Commons Drive South.

Procedural History

- On July 18, 1995 City Council approved a Conditional/Special Use Permit and Site Plan for this 155 acre site to be used for the Jacksonville Commons Recreation Complex.
- On October 21, 1997 City Council approved a rezoning of this site from R-7 to CU-O&I
- On March 7, 2000 City Council approved additions to the Recreation Center on this site.
- On January 11, 2006 the City approved a parking lot plan for 100 additional parking spaces for this site.
- On November 14, 2011 the Planning Board recommended approval of this request.
- On December 6, 2011 City Council will consider this request.

Stakeholders

- City of Jacksonville – Owner
- Parker and Associates – Applicant/Surveyors/Engineers/Land Planners
- Adjacent property owners

Zoning Assessment

The property is located within the City limits and zoned Conditional Use - Office & Institutional (CU-O&I). The project site is bordered to the north by undeveloped, property; to the east by Jacksonville Commons Elementary and Middle Schools; to the west by

undeveloped, Fire Station #4 and the Onslow County Emergency Operations Center; and to the south by undeveloped property, all of which are zoned CU-O&I.

Sewer Allocation Assessment

The proposed development is located within the City Limits and as proposed will not impact the City's Sewer Allocation Policy.

Parking Assessment

These additions do not affect any parking requirements for the existing facilities.

Options

**A. Approve the site plan with approved conditional/special use permit as presented.
(RECOMMENDED)**

- Pros: The proposed site plan meets all applicable City Standards.
- Cons: None.

B. Deny the site plan with approved conditional/special use permit request.

- Pros: None.
- Cons: The proposed site plan meets all applicable City Standards. Denial would appear arbitrary and capricious.

C. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: None.



Draft Planning Board Minutes – November 14, 2011

Consent Agenda Item:	5
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Site Plan with Approved Conditional/Special Use Permit – Jacksonville Commons Park – 100 Recreation Loop

Parker & Associates on behalf of the City of Jacksonville is seeking approval of a site plan with an approved conditional/special use permit for a proposed 1,280 square foot expansion to the Jacksonville Commons Park facilities. The expansion includes a 1,110 square foot detached maintenance building for the Recreation Center and a 170 square foot addition to the concession stand adjacent to Commons Drive South. The property is located within the City limits and zoned Conditional Use - Office & Institutional (CU-O&I). The project site is bordered to the north by undeveloped, property; to the east by Jacksonville Commons Elementary and Middle Schools; to the west by undeveloped, Fire Station #4 and the Onslow County Emergency Operations Center; and to the south by undeveloped property, all of which are zoned CU-O&I. The proposed development is located within the City limits and as proposed will not impact the City's Sewer Allocation Policy. City staff recommends the Planning Board move to approve the site plan without conditions.

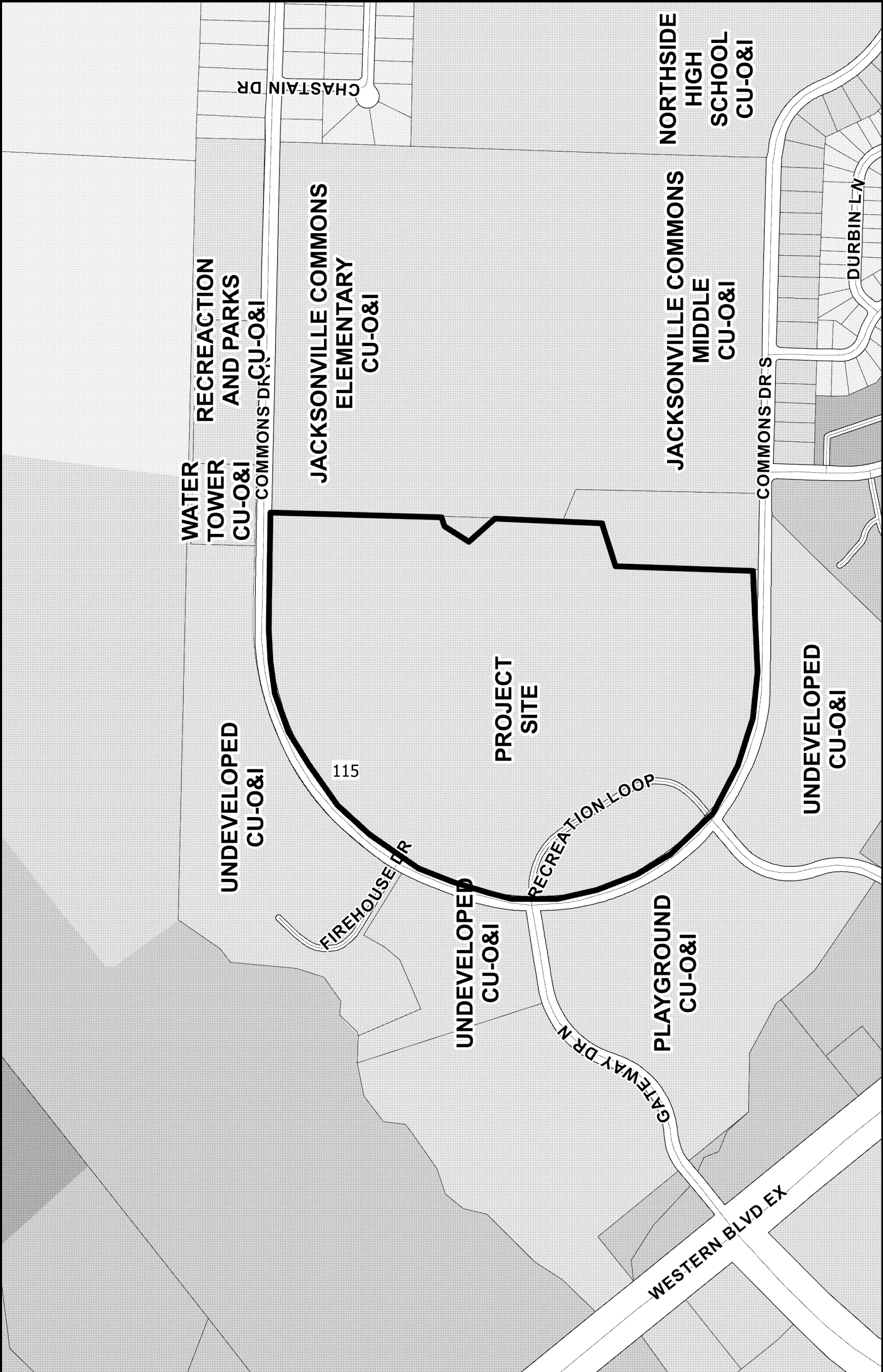
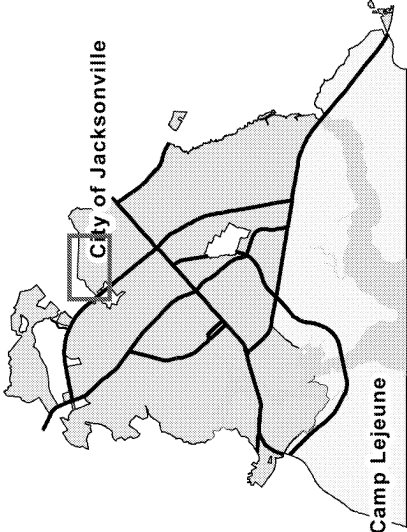
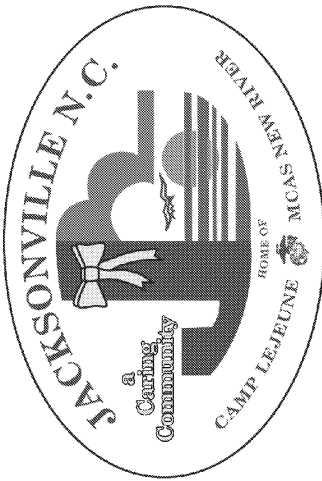
Homer Spring moved to approve the site plan without conditions. Vice Chairperson Sandra Wyrick seconded the motion.

The motion to approve the site plan without conditions was unanimously approved by the Board Members present.

Attachment

A

Jacksonville Commons Park



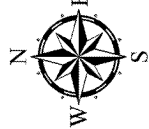
Zoning TV Colors

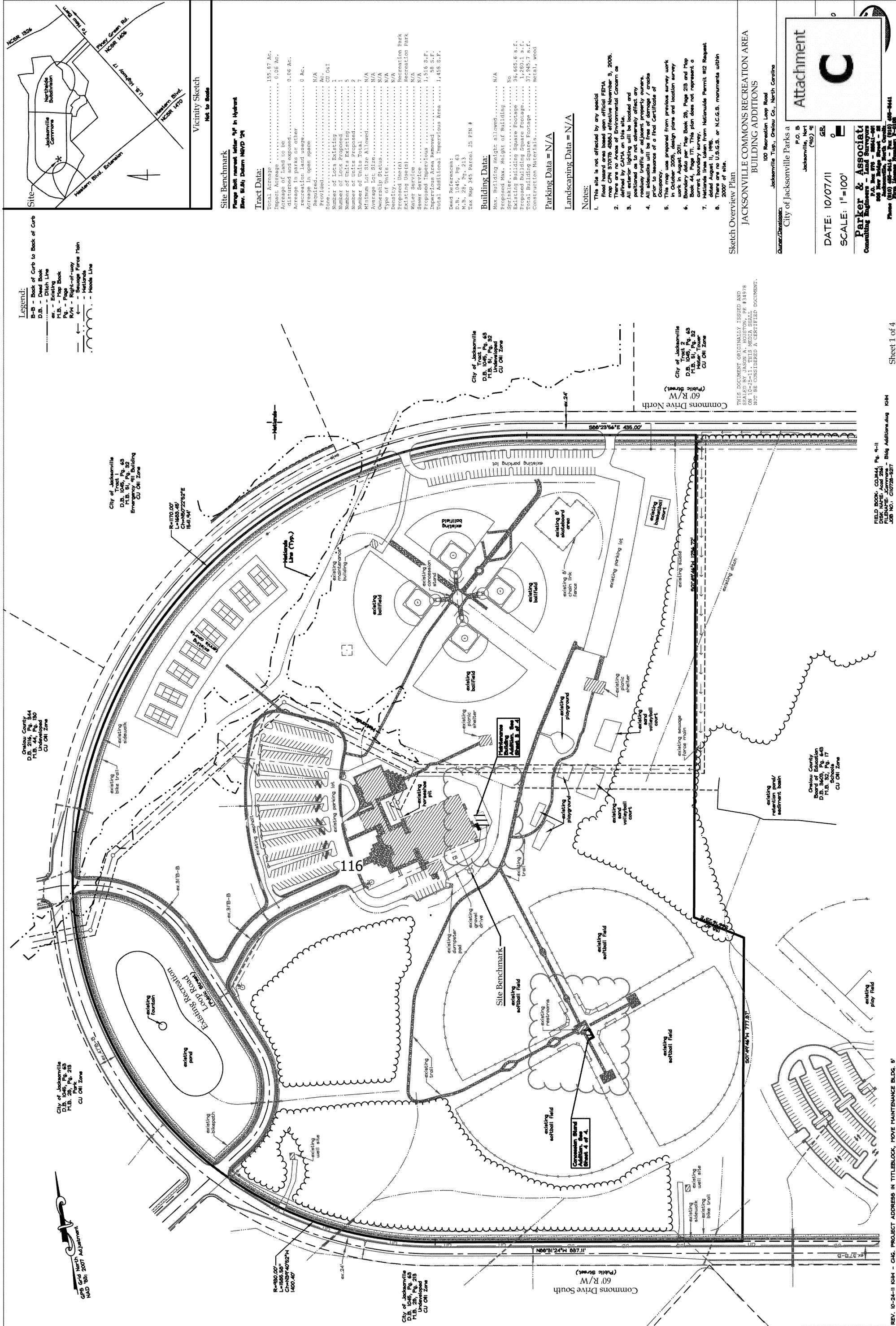
Zones	IND	CU-B	B-1	CU-B-1	B-2	CU-B-2	O&I	CU-O&I	TCA	CU-TCA	CBD	OMU	NB	CU-NB	R-O	RA-20	CU-RA-20	RS-12	RS-10	R-7	RS-7	RS-6	RM-6	RS-5	RM-5	CU-RM5	RD-5	RD-3	CU-RD-3	MR

Attachment

B

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Request for City Council Action

**Consent
Agenda
Item:** **6**
Date: 12/6/2011

Subject: Authorization to Condemn Financial Guarantees
Department: Public Services/Engineering
Presented by: Tom Anderson
Presentation: No

Issue Statement

As directed by Council, staff is requesting authorization to process condemnation of the financial guarantees held by the City if the developer is unable or unwilling to extend the Surety Agreement.

Financial Impact

None.

Action Needed

To authorize staff to process condemnation of the financial guarantees if the developer is unwilling or unable to extend the Surety Agreement.

Recommendation

Staff recommends Council authorize staff to process condemnation of the financial guarantees if the developer is unwilling or unable to extend the Surety Agreement.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

None



Staff Report

Consent
Agenda
Item:

6

Authorization to Condemn Financial Guarantees

Introduction

In order to keep sureties and agreements current, Staff needs permission from Council to extend or condemn expiring financial guarantees held by the City if the developer is unable or unwilling to provide renewed financial guarantees.

Procedural History

The City's Subdivision Ordinance stipulates how the City handles Subdivision Agreements, their warranty periods and the financial guarantees related to that project. City Council must authorize the extension of an agreement or warranty period and/or give authorization to condemn financial guarantees. The following subdivisions have an agreement that soon will be expiring:

<u>Project Name</u>	<u>Expiration Dates</u>	<u>Amount</u>	<u>Extension</u>
Maynard Manor, Phase VI-C	LOC: 2/6/2012	\$10,210.00	1 st
Western Parkway Subdivision	CD: 2/25/2012	\$34,700.00	1 st
	AGR: 2/16/2012		1 st

Definitions:

LOC:	Letter of Credit	WAR:	Warranty	AGR:	Agreement
CD:	Certificate of Deposit	SIDE:	Sidewalk Agreement	BND:	Bond

Maynard Manor, Phase VI-B – The Surety will expire February 6, 2012. This project is still under construction. The Developer needs to make some improvements and then may request a final inspection and acceptance of the public improvements for City maintenance. Once the project has been accepted, it will begin an eighteen month warranty period.

Western Parkway Subdivision – The Certificate of Deposit will expire February 25, 2012 and the Agreement will expire February 16, 2012. . This project is still under construction. The Developer needs to make some improvements and then may request a final inspection and acceptance of the public improvements for City maintenance. Once the project has been accepted, it will begin an eighteen month warranty period.

Stakeholders

- Developers: New Century Homes of Jacksonville and Western Parkway, LLC.
- Residents of the City of Jacksonville

Options

Approve: Authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to extend the Surety Agreement. **(RECOMMENDED)**

Pro: City may process condemnation of the financial guarantee in order to complete infrastructure.

Con: None

Deny: Take no action

Pro: Taking no action on this item offers no advantage to the City.

Con: Developer may walk away from the agreement without any recourse leaving infrastructure that has not been installed and possibly at an expense to the City to complete the construction.



Request for City Council Action

**Consent
Agenda
Item:** **7**
Date: 12/6/2011

Subject: Tax Releases, Refunds, and Write-Offs

Department: Finance

Presented by: Gayle Maides, Assistant Finance Director

Presentation: No

Issue Statement

The County/City Tax Collector and the City's Finance Director recommend releases, refunds, and write-offs of property taxes as attached. The detailed list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) is available in the Finance Office for review.

Financial Impact

The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector total, respectively, \$17,041.85, \$2,698.04, and \$81.25 (\$19,821.14).

Action Needed

Review the tax releases, refunds and write-offs.

Recommendation

Staff recommends that Council move to approve the tax releases, refunds and write-offs.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Tax Releases, Refunds, and Write-offs



Staff Report

Consent
Agenda
Item:

7

Tax Releases, Refunds, and Write-Offs

Introduction

The Tax Releases, Refunds and Write-Offs as recommended by the City/County Tax Collector total, respectively, \$17,041.85, \$2,698.04, and \$81.25 (\$19,821.14).

Most of the Releases and Refunds are due to:

- 1) Clerical and/or addition errors on the Onslow County Abstracts,
- 2) Double charges for the same property,
- 3) Property erroneously listed as in this City,
- 4) Senior citizens exemptions,
- 5) Military non-resident.

Write-offs are due to:

- 1) A bill that is \$3.00 or less
- 2) An over or underpayment of \$1.00 or less.

Other releases and refunds just have notations indicating that interest only is being released and there will be no corresponding reference explanation. The County's computer system automatically accrues interest on the first day of the month. There will be times when the County received payment on the day before or even on the same day that the account has accrued the interest. The County will adjust their accounts to remove the interest that was automatically charged in lieu of having accounts with balances usually less than \$1.00.

The listing of proposed releases, refunds and write-offs as submitted by the Tax Collector, are in conformity with the law. Based upon this information as provided, which is believed to be true and accurate, I recommend your approval of these tax releases, refunds, and write-offs.

TAX RELEASE SUMMARY

OCTOBER 2011

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2011	101-0000-111-0000	0.005380	13,082.54	37.56	13,120.10	2,431,698.88
2010	101-0000-111-1000	0.005380	2,877.52	8.97	2,886.49	534,855.02
2009	101-0000-111-1000	0.006260	763.66	10.70	774.36	121,990.42
2008	101-0000-111-1000	0.006260	62.68		62.68	10,012.78
2007	101-0000-111-1000	0.005316			-	-
2006	101-0000-111-1000	0.005900	155.76		155.76	26,400.00
2005	101-0000-111-1000	0.005900			-	-
2004	101-0000-111-1000	0.005900	22.48		22.48	3,810.17
2003	101-0000-111-1000	0.005900			-	-
2002	101-0000-111-1000	0.005900	19.98		19.98	3,386.44
2001	101-0000-111-1000	0.005900			-	-
TOTAL			16,984.62	57.23	17,041.85	3,132,153.71

'01-10 3,921.75
2011 13,120.10

TAX REFUND SUMMARY**OCTOBER 2011**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2011	101-0000-311-0000	0.005380	568.47	-	-	568.47	105,663.57
2010	101-5000-412-2000	0.005380	719.76	-	22.45	742.21	133,784.39
2009	101-5000-412-2000	0.006260	702.54	-	11.25	713.79	112,226.84
2008	101-5000-412-2000	0.006260	405.16	-	30.11	435.27	64,722.04
2007	101-5000-412-2000	0.006260	212.62	-	15.31	227.93	33,964.86
2006	101-5000-412-2000	0.005316	10.37	-	-	10.37	1,757.63
2005	101-5000-412-2000	0.005900	-	-	-	-	-
2004	101-5000-412-2000	0.005900	-	-	-	-	-
2003	101-5000-412-2000	0.005900	-	-	-	-	-
2002	101-5000-412-2000	0.005900	-	-	-	-	-
2001	101-5000-412-2000	0.005900	-	-	-	-	-
TOTAL			2,618.92	-	79.12	2,698.04	452,119.32

TAX WRITE-OFF SUMMARY

OCTOBER 2011

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2011	101-0000-111-0000	0.005380	80.43	-	80.43	14,949.81
2010	101-0000-111-1000	0.005380	0.41	-	0.41	76.21
2009	101-0000-111-1000	0.006260	0.41	-	0.41	65.50
2008	101-0000-111-1000	0.006260	-	-	-	-
2007	101-0000-111-1000	0.005316	-	-	-	-
2006	101-0000-111-1000	0.005900	-	-	-	-
2005	101-0000-111-1000	0.005900	-	-	-	-
2004	101-0000-111-1000	0.005900	-	-	-	-
2003	101-0000-111-1000	0.005900	-	-	-	-
2002	101-0000-111-1000	0.005900	-	-	-	-
2001	101-0000-111-1000	0.005900	-	-	-	-
TOTAL			81.25	-	81.25	15,091.52

'2001-2010 0.82
2011 80.43



Request for City Council Action

Consent
Agenda
Item: **8**
Date: 12/6/2011

Subject: Resolution Donating Surplus Water Supply Vehicle to Non-Profit Organization – Sturgeon City of Jacksonville, Inc.

Department: Fleet Maintenance

Presented by: Dr. Richard Woodruff, City Manager

Presentation: No

Issue Statement

The City of Jacksonville would like to donate one vehicle – a 2000 Ford F150 Regular Cab pick up truck to Sturgeon City, a non-profit 501c3 corporation. The Kelley Blue Book value for the car is approximately \$3,440. North Carolina General Statute 160A-280 allows that a city may donate, upon such terms and conditions, as it deems wise, with or without consideration, to sell or exchange, any real or personal property that it may own, to any other governmental unit or nonprofit, by approval of the Council. The notice required under this General Statute was posted.

Financial Impact

The City would receive no revenue for the sale of the vehicle.

Action Needed

Consider adopting the Resolution declaring the vehicle surplus and authorizing the donation of this vehicle to Sturgeon City.

Recommendation

Staff recommends that Council adopt the Resolution declaring this vehicle surplus and authorizing the donation of this vehicle to Sturgeon City.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Resolution
- B Letter of Request from Sturgeon City Inc.



Staff Report

Donation of Surplus Water Supply Vehicle

Introduction

Each year vehicles from the City Fleet are declared surplus as mileage or years reach the allotted serviceable limit. Once the new vehicles are purchased, received and put into service, the old vehicles are then allocated as surplus. Generally they are placed for open auction on GovDeals.com for open bid.

Sturgeon City has a need for a vehicle of this type. Staff recommends a donation of one of the surplus vehicles that would otherwise be available to auction on GovDeals.com.

Procedural History

- Water Supply has replaced this vehicle and no longer has a use for it.

Stakeholders

- The Citizens of the City of Jacksonville
- Sturgeon City

Options

1. Adopt the Resolution authorizing the donation of the surplus vehicle to Sturgeon City. **(Recommended)**
2. Direct Staff to dispose of vehicle at auction.
 - a. Pros: Cash is realized from sale of vehicle.
 - b. Cons: Partner agency is constrained in achieving their goals and will continue to be in need of a vehicle.
3. Defer action and request additional information from Staff.

RESOLUTION (2011-)

RESOLUTION AUTHORIZING THE DONATION OF CERTAIN PROPERTY TO A
NON PROFIT ENTITY – STURGEON CITY OF JACKSONVILLE, INC

WHEREAS, the City Council of the City of Jacksonville desires to dispose of certain surplus property of the City of Jacksonville; by donation to a local non-profit entity; Sturgeon City of Jacksonville, Inc., and,

WHEREAS, the notice required by North Carolina General Statute 160A-280 was posted on November 30, 2011;

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

The following described property is hereby declared surplus to the needs of the City of Jacksonville; and

The City of Jacksonville hereby authorizes the donation of the listed surplus property, as is, to Sturgeon City with no monetary consideration;

<u>Description</u>	<u>Estimated Resale Value</u>	<u>Vehicle ID Number</u>	<u>Mileage</u>
2000 F150 Pick up truck	\$3,440	1FTRF17W1YNB07420	101,207

Adopted by the City Council of the City of Jacksonville in regular session this 6th day of December 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, MMC

Attachment

A



November 29, 2011

Dr. Richard Woodruff
City Manager
City of Jacksonville
815 New Bridge Street
Jacksonville, North Carolina

Richard,

I am writing to request the City of Jacksonville, NC donate surplus vehicle, inventory number 99854, to Sturgeon City of Jacksonville NC a 501 (c) (3) nonprofit organization. This vehicle is needed to provide programming to the citizens of Jacksonville and surrounding communities. Riverworks at Sturgeon City continues to provide civic and environmental education to Jacksonville citizens contributing to a stronger and more productive community. Our organization appreciates your support. Thank you.

Sincerely,

Charles B. Efird
President
Sturgeon City of Jacksonville NC, Inc.

PO Box 1056
Jacksonville, North Carolina 28541
p: 910-938-6452
f: 910-938-0053
www.riverworksatsturgeoncncity.org

Attachment

B



Request for City Council Action

**Consent
Agenda
Item:** **9**
Date: 12/6/2011

Subject: Bid Award – Freedom Fountain
Department: Public Services Department
Presented by: Frank Sanders, PE, Interim Public Services Director
Presentation: No

Issue Statement

The bid opening for the Freedom Fountain Construction Project (Bid #FY12-11) is scheduled for Thursday, December 1, 2011 at 3:30 pm. This is too late for a detailed bid analysis to be prepared for the Council agenda packet which is completed Thursday afternoon.

Staff will complete a full review and analyses of the submitted bids and provide an updated agenda item and recommendation for Council consideration.

The details of the bids received and staff recommendation will be provided to Council at the December 6, 2011 Council meeting.

Financial Impact

Provided with Final Agenda Item

Action Needed

N/A

Recommendation

Provided with Final Agenda Item

Approved: ☒ City Manager ☐ City Attorney

Attachments:

None



Request for City Council Action

Agenda Item:	10
Date:	12/6/2011

Subject: Auditor's Report on the City's Comprehensive Annual Financial Report for FY 2011

Department: Finance

Presented by: Gayle Maides, Interim Finance Director

Presentation: Yes

Issue Statement

James Sargeant from McGladrey & Pullen, LLP, will present the Auditor's Report for the City's Comprehensive Annual Financial Report (CAFR) for fiscal year 2011. Council members received copies of the CAFR at the November 22 meeting.

A copy of the CAFR is available for public review on the City website as well as in the City Clerk's Office.

Financial Impact

N/A

Action Needed

Call on Mr. James Sargeant to provide brief overview of Report.

Consider Auditor's Report.

Recommendation

Staff recommends Council accept the Comprehensive Annual Financial Report for FY 2011 as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

None